

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.**

**S. 3649**

To provide for programs to help reduce the risk that prisoners will recidivate upon release from prison, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by \_\_\_\_\_

Viz:

1       Strike all after the enacting clause and insert the fol-  
2       lowing:

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “First Step Act of 2018”.

6       (b) TABLE OF CONTENTS.—The table of contents for  
7       this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—RECIDIVISM REDUCTION**

Sec. 101. Risk and needs assessment system.

Sec. 102. Implementation of system and recommendations by Bureau of Prisons.

Sec. 103. GAO report.

Sec. 104. Authorization of appropriations.

Sec. 105. Rule of construction.

## 2

- Sec. 106. Faith-based considerations.
- Sec. 107. Independent Review Committee.

## TITLE II—BUREAU OF PRISONS SECURE FIREARMS STORAGE

- Sec. 201. Short title.
- Sec. 202. Secure firearms storage.

## TITLE III—RESTRAINTS ON PREGNANT PRISONERS PROHIBITED

- Sec. 301. Use of restraints on prisoners during the period of pregnancy and postpartum recovery prohibited.

## TITLE IV—SENTENCING REFORM

- Sec. 401. Reduce and restrict enhanced sentencing for prior drug felonies.
- Sec. 402. Broadening of existing safety valve.
- Sec. 403. Clarification of section 924(c) of title 18, United States Code.
- Sec. 404. Application of Fair Sentencing Act.

## TITLE V—SECOND CHANCE ACT OF 2007 REAUTHORIZATION

- Sec. 501. Short title.
- Sec. 502. Improvements to existing programs.
- Sec. 503. Audit and accountability of grantees.
- Sec. 504. Federal reentry improvements.
- Sec. 505. Federal interagency reentry coordination.
- Sec. 506. Conference expenditures.
- Sec. 507. Evaluation of the Second Chance Act program.
- Sec. 508. GAO review.

## TITLE VI—MISCELLANEOUS CRIMINAL JUSTICE

- Sec. 601. Placement of prisoners close to families.
- Sec. 602. Home confinement for low-risk prisoners.
- Sec. 603. Federal prisoner reentry initiative reauthorization; modification of imposed term of imprisonment.
- Sec. 604. Identification for returning citizens.
- Sec. 605. Expanding inmate employment through Federal Prison Industries.
- Sec. 606. De-escalation training.
- Sec. 607. Evidence-Based treatment for opioid and heroin abuse.
- Sec. 608. Pilot programs.
- Sec. 609. Ensuring supervision of released sexually dangerous persons.
- Sec. 610. Data collection.
- Sec. 611. Healthcare products.
- Sec. 612. Adult and juvenile collaboration programs.
- Sec. 613. Juvenile solitary confinement.

1                   **TITLE I—RECIDIVISM**  
2                   **REDUCTION**

3   **SEC. 101. RISK AND NEEDS ASSESSMENT SYSTEM.**

4           (a) IN GENERAL.—Chapter 229 of title 18, United  
5 States Code, is amended by inserting after subchapter C  
6 the following:

7           “SUBCHAPTER D—RISK AND NEEDS  
8                                   ASSESSMENT SYSTEM

“Sec.

“3631. Duties of the Attorney General.

“3632. Development of risk and needs assessment system.

“3633. Evidence-based recidivism reduction program and recommendations.

“3634. Report.

“3635. Definitions.

9   **“§ 3631. Duties of the Attorney General**

10           “(a) IN GENERAL.—The Attorney General shall  
11 carry out this subchapter in consultation with—

12                   “(1) the Director of the Bureau of Prisons;

13                   “(2) the Director of the Administrative Office  
14 of the United States Courts;

15                   “(3) the Director of the Office of Probation and  
16 Pretrial Services;

17                   “(4) the Director of the National Institute of  
18 Justice;

19                   “(5) the Director of the National Institute of  
20 Corrections; and

21                   “(6) the Independent Review Committee au-  
22 thorized by the First Step Act of 2018

1 “(b) DUTIES.—The Attorney General shall—

2 “(1) conduct a review of the existing prisoner  
3 risk and needs assessment systems in operation on  
4 the date of enactment of this subchapter;

5 “(2) develop recommendations regarding evi-  
6 dence-based recidivism reduction programs and pro-  
7 ductive activities in accordance with section 3633;

8 “(3) conduct ongoing research and data anal-  
9 ysis on—

10 “(A) evidence-based recidivism reduction  
11 programs relating to the use of prisoner risk  
12 and needs assessment tools;

13 “(B) the most effective and efficient uses  
14 of such programs;

15 “(C) which evidence-based recidivism re-  
16 duction programs are the most effective at re-  
17 ducing recidivism, and the type, amount, and  
18 intensity of programming that most effectively  
19 reduces the risk of recidivism; and

20 “(D) products purchased by Federal agen-  
21 cies that are manufactured overseas and could  
22 be manufactured by prisoners participating in a  
23 prison work program without reducing job op-  
24 portunities for other workers in the United  
25 States;

1           “(4) on an annual basis, review, validate, and  
2           release publicly on the Department of Justice  
3           website the risk and needs assessment system, which  
4           review shall include—

5                   “(A) any subsequent changes to the risk  
6                   and needs assessment system made after the  
7                   date of enactment of this subchapter;

8                   “(B) the recommendations developed under  
9                   paragraph (2), using the research conducted  
10                  under paragraph (3);

11                  “(C) an evaluation to ensure that the risk  
12                  and needs assessment system bases the assess-  
13                  ment of each prisoner’s risk of recidivism on in-  
14                  dicators of progress and of regression that are  
15                  dynamic and that can reasonably be expected to  
16                  change while in prison;

17                  “(D) statistical validation of any tools that  
18                  the risk and needs assessment system uses; and

19                  “(E) an evaluation of the rates of recidi-  
20                  vism among similarly classified prisoners to  
21                  identify any unwarranted disparities, including  
22                  disparities among similarly classified prisoners  
23                  of different demographic groups, in such rates;

24           “(5) make any revisions or updates to the risk  
25           and needs assessment system that the Attorney Gen-

1       eral determines appropriate pursuant to the review  
2       under paragraph (4), including updates to ensure  
3       that any disparities identified in paragraph (4)(E)  
4       are reduced to the greatest extent possible; and  
5       “(6) report to Congress in accordance with sec-  
6       tion 3634.

7   **“§ 3632. Development of risk and needs assessment**  
8       **system**

9       “(a) IN GENERAL.—Not later than 210 days after  
10   the date of enactment of this subchapter, the Attorney  
11   General, in consultation with the Independent Review  
12   Committee authorized by the First Step Act of 2018, shall  
13   develop and release publicly on the Department of Justice  
14   website a risk and needs assessment system (referred to  
15   in this subchapter as the ‘System’), which shall be used  
16   to—

17       “(1) determine the recidivism risk of each pris-  
18   oner as part of the intake process, and classify each  
19   prisoner as having minimum, low, medium, or high  
20   risk for recidivism;

21       “(2) assess and determine, to the extent prac-  
22   ticable, the risk of violent or serious misconduct of  
23   each prisoner;

24       “(3) determine the type and amount of evi-  
25   dence-based recidivism reduction programming that

1 is appropriate for each prisoner and assign each  
2 prisoner to such programming accordingly, and  
3 based on the prisoner's specific criminogenic needs,  
4 and in accordance with subsection (b);

5 “(4) reassess the recidivism risk of each pris-  
6 oner periodically, based on factors including indica-  
7 tors of progress, and of regression, that are dynamic  
8 and that can reasonably be expected to change while  
9 in prison;

10 “(5) reassign the prisoner to appropriate evi-  
11 dence-based recidivism reduction programs or pro-  
12 ductive activities based on the revised determination  
13 to ensure that—

14 “(A) all prisoners at each risk level have a  
15 meaningful opportunity to reduce their classi-  
16 fication during the period of incarceration;

17 “(B) to address the specific criminogenic  
18 needs of the prisoner; and

19 “(C) all prisoners are able to successfully  
20 participate in such programs;

21 “(6) determine when to provide incentives and  
22 rewards for successful participation in evidence-  
23 based recidivism reduction programs or productive  
24 activities in accordance with subsection (e);

1           “(7) determine when a prisoner is ready to  
2           transfer into prerelease custody or supervised release  
3           in accordance with section 3624; and

4           “(8) determine the appropriate use of audio  
5           technology for program course materials with an un-  
6           derstanding of dyslexia.

7   In carrying out this subsection, the Attorney General may  
8   use existing risk and needs assessment tools, as appro-  
9   priate.

10       “(b) ASSIGNMENT OF EVIDENCE-BASED RECIDIVISM  
11   REDUCTION PROGRAMS.—The System shall provide guid-  
12   ance on the type, amount, and intensity of evidence-based  
13   recidivism reduction programming and productive activi-  
14   ties that shall be assigned for each prisoner, including—

15       “(1) programs in which the Bureau of Prisons  
16       shall assign the prisoner to participate, according to  
17       the prisoner’s specific criminogenic needs; and

18       “(2) information on the best ways that the Bu-  
19       reau of Prisons can tailor the programs to the spe-  
20       cific criminogenic needs of each prisoner so as to  
21       most effectively lower each prisoner’s risk of recidi-  
22       vism.

23       “(c) HOUSING AND ASSIGNMENT DECISIONS.—The  
24   System shall provide guidance on program grouping and  
25   housing assignment determinations and, after accounting



1 for the safety of each prisoner and other individuals at  
2 the prison, provide that prisoners with a similar risk level  
3 be grouped together in housing and assignment decisions  
4 to the extent practicable.

5 “(d) EVIDENCE-BASED RECIDIVISM REDUCTION  
6 PROGRAM INCENTIVES AND PRODUCTIVE ACTIVITIES RE-  
7 WARDS.—The System shall provide incentives and rewards  
8 for prisoners to participate in and complete evidence-based  
9 recidivism reduction programs as follows:

10 “(1) PHONE AND VISITATION PRIVILEGES.—A  
11 prisoner who is successfully participating in an evi-  
12 dence-based recidivism reduction program shall re-  
13 ceive—

14 “(A) phone privileges, or, if available, video  
15 conferencing privileges, for up to 30 minutes  
16 per day, and up to 510 minutes per month; and

17 “(B) additional time for visitation at the  
18 prison, as determined by the warden of the pris-  
19 on.

20 “(2) TRANSFER TO INSTITUTION CLOSER TO  
21 RELEASE RESIDENCE.—A prisoner who is success-  
22 fully participating in an evidence-based recidivism  
23 reduction program shall be considered by the Bu-  
24 reau of Prisons for placement in a facility closer to

1 the prisoner's release residence upon request from  
2 the prisoner and subject to—

3 “(A) bed availability at the transfer facil-  
4 ity;

5 “(B) the prisoner's security designation;  
6 and

7 “(C) the recommendation from the warden  
8 of the prison at which the prisoner is incarcer-  
9 ated at the time of making the request.

10 “(3) ADDITIONAL POLICIES.—The Director of  
11 the Bureau of Prisons shall develop additional poli-  
12 cies to provide appropriate incentives for successful  
13 participation and completion of evidence-based re-  
14 cidivism reduction programming. The incentives  
15 shall include not less than 2 of the following:

16 “(A) Increased commissary spending limits  
17 and product offerings.

18 “(B) Extended opportunities to access the  
19 email system.

20 “(C) Consideration of transfer to preferred  
21 housing units (including transfer to different  
22 prison facilities).

23 “(D) Other incentives solicited from pris-  
24 oners and determined appropriate by the Direc-  
25 tor.

1 “(4) TIME CREDITS.—

2 “(A) IN GENERAL.—A prisoner, except for  
3 an ineligible prisoner under subparagraph (D),  
4 who successfully completes evidence-based re-  
5 cidivism reduction programming or productive  
6 activities, shall earn time credits as follows:

7 “(i) A prisoner shall earn 10 days of  
8 time credits for every 30 days of successful  
9 participation in evidence-based recidivism  
10 reduction programming or productive ac-  
11 tivities.

12 “(ii) A prisoner determined by the  
13 Bureau of Prisons to be at a minimum or  
14 low risk for recidivating, who, over 2 con-  
15 secutive assessments, has not increased  
16 their risk of recidivism, shall earn an addi-  
17 tional 5 days of time credits for every 30  
18 days of successful participation in evi-  
19 dence-based recidivism reduction program-  
20 ming or productive activities.

21 “(B) AVAILABILITY.—A prisoner may not  
22 earn time credits under this paragraph for an  
23 evidence-based recidivism reduction program  
24 that the prisoner successfully completed—

1 “(i) prior to the date of enactment of  
2 this subchapter; or

3 “(ii) during official detention prior to  
4 the date that the prisoner’s sentence com-  
5 mences under section 3585(a).

6 “(C) APPLICATION OF TIME CREDITS TO-  
7 WARD PRERELEASE CUSTODY OR SUPERVISED  
8 RELEASE.—Time credits earned under this  
9 paragraph by prisoners who successfully partici-  
10 pate in recidivism reduction programs or pro-  
11 ductive activities shall be applied toward time in  
12 prerelease custody or supervised release. The  
13 Director of the Bureau of Prisons shall transfer  
14 eligible prisoners, as determined under section  
15 3624(g), into prerelease custody or supervised  
16 release.

17 “(D) INELIGIBLE PRISONERS.—A prisoner  
18 is ineligible to receive time credits under this  
19 paragraph if the prisoner is serving a sentence  
20 for a conviction under any of the following pro-  
21 visions of law:

22 “(i) Section 81, relating to arson  
23 within special maritime and territorial ju-  
24 risdiction.

1           “(ii) Section 111(b), relating to as-  
2           saulting, resisting, or impeding certain of-  
3           ficers or employees using a deadly or dan-  
4           gerous weapon or inflicting bodily injury.

5           “(iii) Paragraph (1), (7), or (8) of  
6           section 113(a), relating to assault with in-  
7           tent to commit murder, assault resulting in  
8           substantial bodily injury to a spouse or in-  
9           timate partner, a dating partner, or an in-  
10          dividual who has not attained the age of  
11          16 years, or assault of a spouse, intimate  
12          partner, or dating partner by strangling,  
13          suffocating, or attempting to strangle or  
14          suffocate.

15          “(iv) Section 115, relating to influ-  
16          encing, impeding, or retaliating against a  
17          Federal official by injuring a family mem-  
18          ber, except for a threat made in violation  
19          of that section.

20          “(v) Section 116, relating to female  
21          genital mutilation.

22          “(vi) Section 117, relating to domestic  
23          assault by a habitual offender.

24          “(vii) Any section of chapter 10, relat-  
25          ing to biological weapons.

1 “(viii) Any section of chapter 11B, re-  
2 lating to chemical weapons.

3 “(ix) Section 351, relating to Con-  
4 gressional, Cabinet, and Supreme Court  
5 assassination, kidnapping, and assault.

6 “(x) Section 521, relating to criminal  
7 street gangs.

8 “(xi) Section 751, relating to pris-  
9 oners in custody of an institution or offi-  
10 cer.

11 “(xii) Section 793, relating to gath-  
12 ering, transmitting, or losing defense infor-  
13 mation.

14 “(xiii) Section 794, relating to gath-  
15 ering or delivering defense information to  
16 aid a foreign government.

17 “(xiv) Any section of chapter 39, re-  
18 lating to explosives and other dangerous  
19 articles, except for section 836 (relating to  
20 the transportation of fireworks into a State  
21 prohibiting sale or use).

22 “(xv) Section 842(p), relating to dis-  
23 tribution of information relating to explo-  
24 sives, destructive devices, and weapons of  
25 mass destruction, but only if the conviction

1 involved a weapon of mass destruction (as  
2 defined in section 2332a(c)).

3 “(xvi) Subsection (f)(3), (h), or (i) of  
4 section 844, relating to the use of fire or  
5 an explosive.

6 “(xvii) Section 924(c), relating to un-  
7 lawful possession or use of a firearm dur-  
8 ing and in relation to any crime of violence  
9 or drug trafficking crime.

10 “(xviii) Section 1030(a)(1), relating to  
11 fraud and related activity in connection  
12 with computers.

13 “(xix) Any section of chapter 51, re-  
14 lating to homicide, except for section 1112  
15 (relating to manslaughter), 1113 (relating  
16 to attempt to commit murder or man-  
17 slaughter, but only if the conviction was  
18 for an attempt to commit manslaughter),  
19 1115 (relating to misconduct or neglect of  
20 ship officers), or 1122 (relating to protec-  
21 tion against the human immunodeficiency  
22 virus).

23 “(xx) Any section of chapter 55, relat-  
24 ing to kidnapping.

1 “(xxi) Any offense under chapter 77,  
2 relating to peonage, slavery, and traf-  
3 ficking in persons, except for sections 1593  
4 through 1596.

5 “(xxii) Section 1751, relating to Pres-  
6 idential and Presidential staff assassina-  
7 tion, kidnapping, and assault.

8 “(xxiii) Section 1791, relating to pro-  
9 viding or possessing contraband in prison.

10 “(xxiv) Section 1792, relating to mu-  
11 tiny and riots.

12 “(xxv) Section 1841(a)(2)(C), relating  
13 to intentionally killing or attempting to kill  
14 an unborn child.

15 “(xxvi) Section 1992, relating to ter-  
16 rorist attacks and other violence against  
17 railroad carriers and against mass trans-  
18 portation systems on land, on water, or  
19 through the air.

20 “(xxvii) Section 2113(e), relating to  
21 bank robbery resulting in death.

22 “(xxviii) Section 2118(c), relating to  
23 robberies and burglaries involving con-  
24 trolled substances resulting in assault, put-  
25 ting in jeopardy the life of any person by



1 the use of a dangerous weapon or device,  
2 or death.

3 “(xxix) Paragraph (2) or (3) of sec-  
4 tion 2119, relating to taking a motor vehi-  
5 cle (commonly referred to as ‘carjacking’)  
6 that results in serious bodily injury or  
7 death.

8 “(xxx) Any section of chapter 105, re-  
9 lating to sabotage, except for section 2152.

10 “(xxxi) Any section of chapter 109A,  
11 relating to sexual abuse.

12 “(xxxii) Section 2250, relating to fail-  
13 ure to register as a sex offender.

14 “(xxxiii) Section 2251, relating to the  
15 sexual exploitation of children.

16 “(xxxiv) Section 2251A, relating to  
17 the selling or buying of children.

18 “(xxxv) Section 2252, relating to cer-  
19 tain activities relating to material involving  
20 the sexual exploitation of minors.

21 “(xxxvi) Section 2252A, relating to  
22 certain activities involving material consti-  
23 tuting or containing child pornography.

24 “(xxxvii) Section 2260, relating to the  
25 production of sexually explicit depictions of

1 a minor for importation into the United  
2 States.

3 “(xxxviii) Section 2283, relating to  
4 the transportation of explosive, biological,  
5 chemical, or radioactive or nuclear mate-  
6 rials.

7 “(xxxix) Section 2284, relating to the  
8 transportation of terrorists.

9 “(xl) Section 2291, relating to the de-  
10 struction of a vessel or maritime facility,  
11 but only if the conduct that led to the con-  
12 viction involved a substantial risk of death  
13 or serious bodily injury.

14 “(xli) Any section of chapter 113B,  
15 relating to terrorism.

16 “(xlii) Section 2340A, relating to tor-  
17 ture.

18 “(xliii) Section 2381, relating to trea-  
19 son.

20 “(xliv) Section 2442, relating to the  
21 recruitment or use of child soldiers.

22 “(xlv) An offense described in section  
23 3559(c)(2)(F), for which the offender was  
24 sentenced to a term of imprisonment of  
25 more than 1 year, if the offender has a

1 previous conviction, for which the offender  
2 served a term of imprisonment of more  
3 than 1 year, for a Federal or State offense,  
4 by whatever designation and wherever com-  
5 mitted, consisting of murder (as described  
6 in section 1111), voluntary manslaughter  
7 (as described in section 1112), assault with  
8 intent to commit murder (as described in  
9 section 113(a)), aggravated sexual abuse  
10 and sexual abuse (as described in sections  
11 2241 and 2242), abusive sexual contact  
12 (as described in sections 2244(a)(1) and  
13 (a)(2)), kidnapping (as described in chap-  
14 ter 55), carjacking (as described in section  
15 2119), arson (as described in section  
16 844(f)(3), (h), or (i)), or terrorism (as de-  
17 scribed in chapter 113B).

18 “(xlvi) Section 57(b) of the Atomic  
19 Energy Act of 1954 (42 U.S.C. 2077(b)),  
20 relating to the engagement or participation  
21 in the development or production of special  
22 nuclear material.

23 “(xlvii) Section 92 of the Atomic En-  
24 ergy Act of 1954 (42 U.S.C. 2122), relat-

1 ing to prohibitions governing atomic weap-  
2 ons.

3 “(xlviii) Section 101 of the Atomic  
4 Energy Act of 1954 (42 U.S.C. 2131), re-  
5 lating to the atomic energy license require-  
6 ment.

7 “(xlix) Section 224 or 225 of the  
8 Atomic Energy Act of 1954 (42 U.S.C.  
9 2274, 2275), relating to the communica-  
10 tion or receipt of restricted data.

11 “(l) Section 236 of the Atomic Energy  
12 Act of 1954 (42 U.S.C. 2284), relating to  
13 the sabotage of nuclear facilities or fuel.

14 “(li) Section 60123(b) of title 49, re-  
15 lating to damaging or destroying a pipeline  
16 facility, but only if the conduct which led  
17 to the conviction involved a substantial risk  
18 of death or serious bodily injury.

19 “(lii) Section 401(a) of the Controlled  
20 Substances Act (21 U.S.C. 841), relating  
21 to manufacturing or distributing a con-  
22 trolled substance in the case of a convic-  
23 tion for an offense described in subpara-  
24 graph (A), (B), or (C) of subsection (b)(1)  
25 of that section for which death or serious

1           bodily injury resulted from the use of such  
2           substance.

3           “(liii) Section 276(a) of the Immigra-  
4           tion and Nationality Act (8 U.S.C. 1326),  
5           relating to the reentry of a removed alien,  
6           but only if the alien is described in para-  
7           graph (1) or (2) of subsection (b) of that  
8           section.

9           “(liv) Section 277 of the Immigration  
10          and Nationality Act (8 U.S.C. 1327), re-  
11          lating to aiding or assisting certain aliens  
12          to enter the United States.

13          “(lv) Section 278 of the Immigration  
14          and Nationality Act (8 U.S.C. 1328), re-  
15          lating to the importation of an alien into  
16          the United States for an immoral purpose.

17          “(lvi) Any section of the Export Ad-  
18          ministration Act of 1979 (50 U.S.C. 4611  
19          et seq.)

20          “(lvii) Section 206 of the Inter-  
21          national Emergency Economic Powers Act  
22          (50 U.S.C. 1705).

23          “(lviii) Section 601 of the National  
24          Security Act of 1947 (50 U.S.C. 3121), re-  
25          lating to the protection of identities of cer-

tain United States undercover intelligence officers, agents, informants, and sources.

“(lix) Subparagraph (A)(i) or (B)(i) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(A) or (2)(A) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, dispense, or knowingly importing or exporting, a mixture or substance containing a detectable amount of heroin if the sentencing court finds that the offender was an organizer, leader, manager, or supervisor of others in the offense, as determined under the guidelines promulgated by the United States Sentencing Commission.

“(lx) Subparagraph (A)(vi) or (B)(vi) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) or paragraph (1)(F) or (2)(F) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)), relating to

1 manufacturing, distributing, dispensing, or  
2 possessing with intent to manufacture, dis-  
3 tribute, or dispense, a mixture or sub-  
4 stance containing a detectable amount of  
5 N-phenyl-N-[1-(2-phenylethyl)-4-  
6 piperidiny] propanamide, or any analogue  
7 thereof.

8 “(lxi) Subparagraph (A)(viii) or  
9 (B)(viii) of section 401(b)(1) of the Con-  
10 trolled Substances Act (21 U.S.C.  
11 841(b)(1)) or paragraph (1)(H) or (2)(H)  
12 of section 1010(b) the Controlled Sub-  
13 stances Import and Export Act (21 U.S.C.  
14 960(b)), relating to manufacturing, distrib-  
15 uting, dispensing, or possessing with intent  
16 to manufacture, distribute, or dispense, or  
17 knowingly importing or exporting, a mix-  
18 ture of substance containing a detectable  
19 amount of methamphetamine, its salts, iso-  
20 mers, or salts of its isomers, if the sen-  
21 tencing court finds that the offender was  
22 an organizer, leader, manager, or super-  
23 visor of others in the offense, as deter-  
24 mined under the guidelines promulgated by  
25 the United States Sentencing Commission.

1 “(lii) Subparagraph (A) or (B) of sec-  
2 tion 401(b)(1) of the Controlled Sub-  
3 stances Act (21 U.S.C. 841(b)(1)) or para-  
4 graph (1) or (2) of section 1010(b) of the  
5 Controlled Substances Import and Export  
6 Act (21 U.S.C. 960(b)), relating to manu-  
7 facturing, distributing, dispensing, or pos-  
8 sessing with intent to manufacture, dis-  
9 tribute, or dispense, a controlled substance,  
10 or knowingly importing or exporting a con-  
11 trolled substance, if the sentencing court  
12 finds that—

13 “(I) the offense involved a mix-  
14 ture or substance containing a detect-  
15 able amount of N-phenyl-N-[1-(2-  
16 phenylethyl)-4-piperidinyl]  
17 propanamide, or any analogue thereof;  
18 and

19 “(II) the offender was an orga-  
20 nizer, leader, manager, or supervisor  
21 of others in the offense, as determined  
22 under the guidelines promulgated by  
23 the United States Sentencing Com-  
24 mission.



1                   “(E) DEPORTABLE PRISONERS INELIGIBLE  
2                   TO APPLY TIME CREDITS.—

3                   “(i) IN GENERAL.—A prisoner is ineli-  
4                   gible to apply time credits under subpara-  
5                   graph (C) if the prisoner is the subject of  
6                   a final order of removal under any provi-  
7                   sion of the immigration laws (as such term  
8                   is defined in section 101(a)(17) of the Im-  
9                   migration and Nationality Act (8 U.S.C.  
10                  1101(a)(17))).

11                  “(ii) PROCEEDINGS.—The Attorney  
12                  General, in consultation with the Secretary  
13                  of Homeland Security, shall ensure that  
14                  any alien described in section 212 or 237  
15                  of the Immigration and Nationality Act (8  
16                  U.S.C. 1182, 1227) who seeks to earn time  
17                  credits are subject to proceedings described  
18                  in section 238(a) of that Act (8 U.S.C.  
19                  1228(a)) at a date as early as practicable  
20                  during the prisoner’s incarceration.

21                  “(5) RISK REASSESSMENTS AND LEVEL AD-  
22                  JUSTMENT.—A prisoner who successfully partici-  
23                  pates in evidence-based recidivism reduction pro-  
24                  gramming or productive activities shall receive peri-  
25                  odic risk reassessments not less often than annually,

1       and a prisoner determined to be at a medium or  
2       high risk of recidivating and who has less than 5  
3       years until his or her projected release date shall re-  
4       ceive more frequent risk reassessments. If the reas-  
5       sessment shows that the prisoner's risk of  
6       recidivating or specific needs have changed, the Bu-  
7       reau of Prisons shall update the determination of  
8       the prisoner's risk of recidivating or information re-  
9       garding the prisoner's specific needs and reassign  
10      the prisoner to appropriate evidence-based recidivism  
11      reduction programming or productive activities  
12      based on such changes.

13           “(6) RELATION TO OTHER INCENTIVE PRO-  
14      GRAMS.—The incentives described in this subsection  
15      shall be in addition to any other rewards or incen-  
16      tives for which a prisoner may be eligible.

17           “(e) PENALTIES.—The Director of the Bureau of  
18      Prisons shall develop guidelines for the reduction of re-  
19      wards and incentives earned under subsection (d) for pris-  
20      oners who violate prison rules or evidence-based recidivism  
21      reduction program or productive activity rules, which shall  
22      provide—

23           “(1) general levels of violations and resulting  
24      reductions;

1           “(2) that any reduction that includes the loss of  
2           time credits shall require written notice to the pris-  
3           oner, shall be limited to time credits that a prisoner  
4           earned as of the date of the prisoner’s rule violation,  
5           and shall not include any future time credits that  
6           the prisoner may earn; and

7           “(3) for a procedure to restore time credits that  
8           a prisoner lost as a result of a rule violation, based  
9           on the prisoner’s individual progress after the date  
10          of the rule violation.

11          “(f) BUREAU OF PRISONS TRAINING.—The Attorney  
12          General shall develop and implement training programs  
13          for Bureau of Prisons officers and employees responsible  
14          for administering the System, which shall include—

15               “(1) initial training to educate officers and em-  
16               ployees on how to use the System in an appropriate  
17               and consistent manner, as well as the reasons for  
18               using the System;

19               “(2) continuing education;

20               “(3) periodic training updates; and

21               “(4) a requirement that such officers and em-  
22               ployees demonstrate competence in administering  
23               the System, including interrater reliability, on a bi-  
24               annual basis.

1       “(g) QUALITY ASSURANCE.—In order to ensure that  
2 the Bureau of Prisons is using the System in an appro-  
3 priate and consistent manner, the Attorney General shall  
4 monitor and assess the use of the System, which shall in-  
5 clude conducting annual audits of the Bureau of Prisons  
6 regarding the use of the System.

7       “(h) DYSLEXIA SCREENING.—

8               “(1) SCREENING.—The Attorney General shall  
9 incorporate a dyslexia screening program into the  
10 System, including by screening for dyslexia during—

11                       “(A) the intake process; and

12                       “(B) each periodic risk reassessment of a  
13 prisoner.

14       “(2) TREATMENT.—The Attorney General shall  
15 incorporate programs designed to treat dyslexia into  
16 the evidence-based recidivism reduction programs or  
17 productive activities required to be implemented  
18 under this section. The Attorney General may also  
19 incorporate programs designed to treat other learn-  
20 ing disabilities.

21 **“§ 3633. Evidence-based recidivism reduction pro-**  
22 **gram and recommendations**

23       “(a) IN GENERAL.—Prior to releasing the System,  
24 in consultation with the Independent Review Committee

1 authorized by the First Step Act of 2018, the Attorney  
2 General shall—

3 “(1) review the effectiveness of evidence-based  
4 recidivism reduction programs that exist as of the  
5 date of enactment of this subchapter in prisons oper-  
6 ated by the Bureau of Prisons;

7 “(2) review available information regarding the  
8 effectiveness of evidence-based recidivism reduction  
9 programs and productive activities that exist in  
10 State-operated prisons throughout the United  
11 States;

12 “(3) identify the most effective evidence-based  
13 recidivism reduction programs;

14 “(4) review the policies for entering into evi-  
15 dence-based recidivism reduction partnerships de-  
16 scribed in section 3621(h)(5); and

17 “(5) direct the Bureau of Prisons regarding—

18 “(A) evidence-based recidivism reduction  
19 programs;

20 “(B) the ability for faith-based organiza-  
21 tions to function as a provider of educational  
22 evidence-based programs outside of the religious  
23 classes and services provided through the Chap-  
24 laincy; and

1                   “(C) the addition of any new effective evi-  
2                   dence-based recidivism reduction programs that  
3                   the Attorney General finds.

4           “(b) REVIEW AND RECOMMENDATIONS REGARDING  
5 DYSLEXIA MITIGATION.—In carrying out subsection (a),  
6 the Attorney General shall consider the prevalence and  
7 mitigation of dyslexia in prisons, including by—

8                   “(1) reviewing statistics on the prevalence of  
9                   dyslexia, and the effectiveness of any programs im-  
10                  plemented to mitigate the effects of dyslexia, in pris-  
11                  ons operated by the Bureau of Prisons and State-op-  
12                  erated prisons throughout the United States; and

13                  “(2) incorporating the findings of the Attorney  
14                  General under paragraph (1) of this subsection into  
15                  any directives given to the Bureau of Prisons under  
16                  paragraph (5) of subsection (a).

17 **“§ 3634. Report**

18           “Beginning on the date that is 2 years after the date  
19 of enactment of this subchapter, and annually thereafter  
20 for a period of 5 years, the Attorney General shall submit  
21 a report to the Committees on the Judiciary of the Senate  
22 and the House of Representatives and the Subcommittees  
23 on Commerce, Justice, Science, and Related Agencies of  
24 the Committees on Appropriations of the Senate and the  
25 House of Representatives that contains the following:

1           “(1) A summary of the activities and accom-  
2           plishments of the Attorney General in carrying out  
3           this Act.

4           “(2) A summary and assessment of the types  
5           and effectiveness of the evidence-based recidivism re-  
6           duction programs and productive activities in prisons  
7           operated by the Bureau of Prisons, including—

8                 “(A) evidence about which programs have  
9                 been shown to reduce recidivism;

10                “(B) the capacity of each program and ac-  
11                tivity at each prison, including the number of  
12                prisoners along with the recidivism risk of each  
13                prisoner enrolled in each program; and

14                “(C) identification of any gaps or short-  
15                ages in capacity of such programs and activi-  
16                ties.

17           “(3) Rates of recidivism among individuals who  
18           have been released from Federal prison, based on  
19           the following criteria:

20                “(A) The primary offense of conviction.

21                “(B) The length of the sentence imposed  
22                and served.

23                “(C) The Bureau of Prisons facility or fa-  
24                cilities in which the prisoner’s sentence was  
25                served.

1           “(D) The evidence-based recidivism reduc-  
2           tion programming that the prisoner successfully  
3           completed, if any.

4           “(E) The prisoner’s assessed and reas-  
5           sessed risk of recidivism.

6           “(F) The productive activities that the  
7           prisoner successfully completed, if any.

8           “(4) The status of prison work programs at fa-  
9           cilities operated by the Bureau of Prisons, includ-  
10          ing—

11           “(A) a strategy to expand the availability  
12           of such programs without reducing job opportu-  
13           nities for workers in the United States who are  
14           not in the custody of the Bureau of Prisons, in-  
15           cluding the feasibility of prisoners manufac-  
16           turing products purchased by Federal agencies  
17           that are manufactured overseas;

18           “(B) an assessment of the feasibility of ex-  
19           panding such programs, consistent with the  
20           strategy required under subparagraph (A), with  
21           the goal that 5 years after the date of enact-  
22           ment of this subchapter, not less than 75 per-  
23           cent of eligible minimum- and low-risk offenders  
24           have the opportunity to participate in a prison



1 work program for not less than 20 hours per  
2 week; and

3 “(C) a detailed discussion of legal authori-  
4 ties that would be useful or necessary to achieve  
5 the goals described in subparagraphs (A) and  
6 (B).

7 “(5) An assessment of the Bureau of Prisons’  
8 compliance with section 3621(h).

9 “(6) An assessment of progress made toward  
10 carrying out the purposes of this subchapter, includ-  
11 ing any savings associated with—

12 “(A) the transfer of prisoners into  
13 prerelease custody or supervised release under  
14 section 3624(g), including savings resulting  
15 from the avoidance or deferral of future con-  
16 struction, acquisition, and operations costs; and

17 “(B) any decrease in recidivism that may  
18 be attributed to the System or the increase in  
19 evidence-based recidivism reduction programs  
20 required under this subchapter.

21 “(7) An assessment of budgetary savings result-  
22 ing from this subchapter, including—

23 “(A) a summary of the amount of savings  
24 resulting from the transfer of prisoners into  
25 prerelease custody under this chapter, including

1 savings resulting from the avoidance or deferral  
2 of future construction, acquisition, or oper-  
3 ations costs;

4 “(B) a summary of the amount of savings  
5 resulting from any decrease in recidivism that  
6 may be attributed to the implementation of the  
7 risk and needs assessment system or the in-  
8 crease in recidivism reduction programs and  
9 productive activities required by this sub-  
10 chapter;

11 “(C) a strategy to reinvest the savings de-  
12 scribed in subparagraphs (A) and (B) in  
13 other—

14 “(i) Federal, State, and local law en-  
15 forcement activities; and

16 “(ii) expansions of recidivism reduc-  
17 tion programs and productive activities in  
18 the Bureau of Prisons; and

19 “(D) a description of how the reduced ex-  
20 penditures on Federal corrections and the budg-  
21 etary savings resulting from this subchapter are  
22 currently being used and will be used to—

23 “(i) increase investment in law en-  
24 forcement and crime prevention to combat  
25 gangs of national significance and high-

1 level drug traffickers through the High In-  
2 tensity Drug Trafficking Areas Program  
3 and other task forces;

4 “(ii) hire, train, and equip law en-  
5 forcement officers and prosecutors; and

6 “(iii) promote crime reduction pro-  
7 grams using evidence-based practices and  
8 strategic planning to help reduce crime  
9 and criminal recidivism.

10 “(8) Statistics on—

11 “(A) the prevalence of dyslexia among  
12 prisoners in prisons operated by the Bureau of  
13 Prisons; and

14 “(B) any change in the effectiveness of  
15 dyslexia mitigation programs among such pris-  
16 oners that may be attributed to the incorpora-  
17 tion of dyslexia screening into the System and  
18 of dyslexia treatment into the evidence-based  
19 recidivism reduction programs, as required  
20 under this chapter.

21 **“§ 3635. Definitions**

22 “In this subchapter the following definitions apply:

23 “(1) DYSLEXIA.—The term ‘dyslexia’ means an  
24 unexpected difficulty in reading for an individual  
25 who has the intelligence to be a much better reader,

1       most commonly caused by a difficulty in the phono-  
2       logical processing (the appreciation of the individual  
3       sounds of spoken language), which affects the ability  
4       of an individual to speak, read, and spell.

5               “(2) DYSLEXIA SCREENING PROGRAM.—The  
6       term ‘dyslexia screening program’ means a screening  
7       program for dyslexia that is—

8               “(A) evidence-based (as defined in section  
9       8101(21) of the Elementary and Secondary  
10       Education Act of 1965 (20 U.S.C. 7801(21)))  
11       with proven psychometrics for validity;

12               “(B) efficient and low-cost; and

13               “(C) readily available.

14               “(3) EVIDENCE-BASED RECIDIVISM REDUCTION  
15       PROGRAM.—The term ‘evidence-based recidivism re-  
16       duction program’ means either a group or individual  
17       activity that—

18               “(A) has been shown by empirical evidence  
19       to reduce recidivism or is based on research in-  
20       dicating that it is likely to be effective in reduc-  
21       ing recidivism;

22               “(B) is designed to help prisoners succeed  
23       in their communities upon release from prison;  
24       and

25               “(C) may include—

1 “(i) social learning and communica-  
2 tion, interpersonal, anti-bullying, rejection  
3 response, and other life skills;

4 “(ii) family relationship building,  
5 structured parent-child interaction, and  
6 parenting skills;

7 “(iii) classes on morals or ethics;

8 “(iv) academic classes;

9 “(v) cognitive behavioral treatment;

10 “(vi) mentoring;

11 “(vii) substance abuse treatment;

12 “(viii) vocational training;

13 “(ix) faith-based classes or services;

14 “(x) civic engagement and reintegra-  
15 tive community services;

16 “(xi) a prison job, including through a  
17 prison work program;

18 “(xii) victim impact classes or other  
19 restorative justice programs; and

20 “(xiii) trauma counseling and trauma-  
21 informed support programs.

22 “(4) PRISONER.—The term ‘prisoner’ means a  
23 person who has been sentenced to a term of impris-  
24 onment pursuant to a conviction for a Federal crimi-

1       nal offense, or a person in the custody of the Bureau  
2       of Prisons.

3           “(5) PRODUCTIVE ACTIVITY.—The term ‘pro-  
4       ductive activity’ means either a group or individual  
5       activity that is designed to allow prisoners deter-  
6       mined as having a minimum or low risk of  
7       recidivating to remain productive and thereby main-  
8       tain a minimum or low risk of recidivating, and may  
9       include the delivery of the programs described in  
10      paragraph (1) to other prisoners.

11          “(6) RISK AND NEEDS ASSESSMENT TOOL.—  
12      The term ‘risk and needs assessment tool’ means an  
13      objective and statistically validated method through  
14      which information is collected and evaluated to de-  
15      termine—

16           “(A) as part of the intake process, the risk  
17           that a prisoner will recidivate upon release from  
18           prison;

19           “(B) the recidivism reduction programs  
20           that will best minimize the risk that the pris-  
21           oner will recidivate upon release from prison;  
22           and

23           “(C) the periodic reassessment of risk that  
24           a prisoner will recidivate upon release from  
25           prison, based on factors including indicators of

1 progress and of regression, that are dynamic  
 2 and that can reasonably be expected to change  
 3 while in prison.”.

4 (b) CLERICAL AMENDMENT.—The table of sub-  
 5 chapters for chapter 229 of title 18, United States Code,  
 6 is amended by adding at the end the following:

“D. Risk and Needs Assessment ..... 3631”.

7 **SEC. 102. IMPLEMENTATION OF SYSTEM AND REC-**  
 8 **OMMENDATIONS BY BUREAU OF PRISONS.**

9 (a) IMPLEMENTATION OF SYSTEM GENERALLY.—  
 10 Section 3621 of title 18, United States Code, is amended  
 11 by adding at the end the following:

12 “(h) IMPLEMENTATION OF RISK AND NEEDS AS-  
 13 SESSMENT SYSTEM.—

14 “(1) IN GENERAL.—Not later than 180 days  
 15 after the Attorney General completes and releases  
 16 the risk and needs assessment system (referred to in  
 17 this subsection as the ‘System’) developed under  
 18 subchapter D, the Director of the Bureau of Prisons  
 19 shall, in accordance with that subchapter—

20 “(A) implement and complete the initial in-  
 21 take risk and needs assessment for each pris-  
 22 oner (including for each prisoner who was a  
 23 prisoner prior to the effective date of this sub-  
 24 section), regardless of the prisoner’s length of  
 25 imposed term of imprisonment, and begin to as-

1 sign prisoners to appropriate evidence-based re-  
2 cidivism reduction programs based on that de-  
3 termination;

4 “(B) begin to expand the effective evi-  
5 dence-based recidivism reduction programs and  
6 productive activities it offers and add any new  
7 evidence-based recidivism reduction programs  
8 and productive activities necessary to effectively  
9 implement the System; and

10 “(C) begin to implement the other risk and  
11 needs assessment tools necessary to effectively  
12 implement the System over time, while pris-  
13 oners are participating in and completing the  
14 effective evidence-based recidivism reduction  
15 programs and productive activities.

16 “(2) PHASE-IN.—In order to carry out para-  
17 graph (1), so that every prisoner has the opportunity  
18 to participate in and complete the type and amount  
19 of evidence-based recidivism reduction programs or  
20 productive activities they need, and be reassessed for  
21 recidivism risk as necessary to effectively implement  
22 the System, the Bureau of Prisons shall—

23 “(A) provide such evidence-based recidi-  
24 vism reduction programs and productive activi-  
25 ties for all prisoners before the date that is 2



1           years after the date on which the Bureau of  
2           Prisons completes a risk and needs assessment  
3           for each prisoner under paragraph (1)(A); and  
4           “(B) develop and validate the risk and  
5           needs assessment tool to be used in the reas-  
6           sessments of risk of recidivism, while prisoners  
7           are participating in and completing evidence-  
8           based recidivism reduction programs and pro-  
9           ductive activities.

10          “(3) PRIORITY DURING PHASE-IN.—During the  
11          2-year period described in paragraph (2)(A), the pri-  
12          ority for such programs and activities shall be ac-  
13          corded based on a prisoner’s proximity to release  
14          date.

15          “(4) PRELIMINARY EXPANSION OF EVIDENCE-  
16          BASED RECIDIVISM REDUCTION PROGRAMS AND AU-  
17          THORITY TO USE INCENTIVES.—Beginning on the  
18          date of enactment of this subsection, the Bureau of  
19          Prisons may begin to expand any evidence-based re-  
20          cidivism reduction programs and productive activi-  
21          ties that exist at a prison as of such date, and may  
22          offer to prisoners who successfully participate in  
23          such programs and activities the incentives and re-  
24          wards described in subchapter D.

1           “(5) RECIDIVISM REDUCTION PARTNERSHIPS.—

2           In order to expand evidence-based recidivism reduc-  
3           tion programs and productive activities, the Attorney  
4           General shall develop policies for the warden of each  
5           prison of the Bureau of Prisons to enter into part-  
6           nerships, subject to the availability of appropria-  
7           tions, with any of the following:

8                   “(A) Nonprofit and other private organiza-  
9                   tions, including faith-based, art, and commu-  
10                  nity-based organizations that will deliver recidi-  
11                  vism reduction programming on a paid or vol-  
12                  unteer basis.

13                  “(B) Institutions of higher education (as  
14                  defined in section 101 of the Higher Education  
15                  Act of 1965 (20 U.S.C. 1001)) that will deliver  
16                  instruction on a paid or volunteer basis.

17                  “(C) Private entities that will—

18                           “(i) deliver vocational training and  
19                           certifications;

20                           “(ii) provide equipment to facilitate  
21                           vocational training or employment opportu-  
22                           nities for prisoners;

23                           “(iii) employ prisoners; or

1                   “(iv) assist prisoners in prerelease  
2                   custody or supervised release in finding  
3                   employment.

4                   “(D) Industry-sponsored organizations  
5                   that will deliver workforce development and  
6                   training, on a paid or volunteer basis.

7                   “(6) REQUIREMENT TO PROVIDE PROGRAMS TO  
8                   ALL PRISONERS; PRIORITY.—The Director of the  
9                   Bureau of Prisons shall provide all prisoners with  
10                  the opportunity to actively participate in evidence-  
11                  based recidivism reduction programs or productive  
12                  activities, according to their specific criminogenic  
13                  needs, throughout their entire term of incarceration.  
14                  Priority for participation in recidivism reduction pro-  
15                  grams shall be given to medium-risk and high-risk  
16                  prisoners, with access to productive activities given  
17                  to minimum-risk and low-risk prisoners.

18                  “(7) DEFINITIONS.—The terms in this sub-  
19                  section have the meaning given those terms in sec-  
20                  tion 3635.”.

21                  (b) PRERELEASE CUSTODY.—

22                   (1) IN GENERAL.—Section 3624 of title 18,  
23                  United States Code, is amended—

24                   (A) in subsection (b)(1)—

1 (i) by striking “, beyond the time  
2 served, of up to 54 days at the end of each  
3 year of the prisoner’s term of imprison-  
4 ment, beginning at the end of the first  
5 year of the term,” and inserting “of up to  
6 54 days for each year of the prisoner’s sen-  
7 tence imposed by the court,”; and

8 (ii) by striking “credit for the last  
9 year or portion of a year of the term of im-  
10 prisonment shall be prorated and credited  
11 within the last six weeks of the sentence”  
12 and inserting “credit for the last year of a  
13 term of imprisonment shall be credited on  
14 the first day of the last year of the term  
15 of imprisonment”; and

16 (B) by adding at the end the following:

17 “(g) PRERELEASE CUSTODY OR SUPERVISED RE-  
18 LEASE FOR RISK AND NEEDS ASSESSMENT SYSTEM PAR-  
19 TICIPANTS.—

20 “(1) ELIGIBLE PRISONERS.—This subsection  
21 applies in the case of a prisoner (as such term is de-  
22 fined in section 3635) who—

23 “(A) has earned time credits under the  
24 risk and needs assessment system developed  
25 under subchapter D (referred to in this sub-

1 section as the ‘System’) in an amount that is  
2 equal to the remainder of the prisoner’s im-  
3 posed term of imprisonment;

4 “(B) has shown through the periodic risk  
5 reassessments a demonstrated recidivism risk  
6 reduction or has maintained a minimum or low  
7 recidivism risk, during the prisoner’s term of  
8 imprisonment;

9 “(C) has had the remainder of the pris-  
10 oner’s imposed term of imprisonment computed  
11 under applicable law; and

12 “(D)(i) in the case of a prisoner being  
13 placed in prerelease custody, the prisoner—

14 “(I) has been determined under the  
15 System to be a minimum or low risk to  
16 recidivate pursuant to the last 2 reassess-  
17 ments of the prisoner; or

18 “(II) has had a petition to be trans-  
19 ferred to prerelease custody or supervised  
20 release approved by the warden of the pris-  
21 on, after the warden’s determination  
22 that—

23 “(aa) the prisoner would not be a  
24 danger to society if transferred to

1 prerelease custody or supervised re-  
2 lease;

3 “(bb) the prisoner has made a  
4 good faith effort to lower their recidi-  
5 vism risk through participation in re-  
6 cidivism reduction programs or pro-  
7 ductive activities; and

8 “(cc) the prisoner is unlikely to  
9 recidivate; or

10 “(ii) in the case of a prisoner being placed  
11 in supervised release, the prisoner has been de-  
12 termined under the System to be a minimum or  
13 low risk to recidivate pursuant to the last reas-  
14 sessment of the prisoner.

15 “(2) TYPES OF PRERELEASE CUSTODY.—A  
16 prisoner shall be placed in prerelease custody as fol-  
17 lows:

18 “(A) HOME CONFINEMENT.—

19 “(i) IN GENERAL.—A prisoner placed  
20 in prerelease custody pursuant to this sub-  
21 section who is placed in home confinement  
22 shall—

23 “(I) be subject to 24-hour elec-  
24 tronic monitoring that enables the  
25 prompt identification of the prisoner,

1 location, and time, in the case of any  
2 violation of subclause (II);

3 “(II) remain in the prisoner’s  
4 residence, except that the prisoner  
5 may leave the prisoner’s home in  
6 order to, subject to the approval of  
7 the Director of the Bureau of Pris-  
8 ons—

9 “(aa) perform a job or job-  
10 related activities, including an  
11 apprenticeship, or participate in  
12 job-seeking activities;

13 “(bb) participate in evi-  
14 dence-based recidivism reduction  
15 programming or productive ac-  
16 tivities assigned by the System,  
17 or similar activities;

18 “(cc) perform community  
19 service;

20 “(dd) participate in crime  
21 victim restoration activities;

22 “(ee) receive medical treat-  
23 ment;

24 “(ff) attend religious activi-  
25 ties; or

1                   “(gg) participate in other  
2                   family-related activities that fa-  
3                   cilitate the prisoner’s successful  
4                   reentry such as a family funeral,  
5                   a family wedding, or to visit a  
6                   family member who is seriously  
7                   ill; and

8                   “(III) comply with such other  
9                   conditions as the Director determines  
10                  appropriate.

11                  “(ii) ALTERNATE MEANS OF MONI-  
12                  TORING.—If the electronic monitoring of a  
13                  prisoner described in clause (i)(I) is infea-  
14                  sible for technical or religious reasons, the  
15                  Director of the Bureau of Prisons may use  
16                  alternative means of monitoring a prisoner  
17                  placed in home confinement that the Direc-  
18                  tor determines are as effective or more ef-  
19                  fective than the electronic monitoring de-  
20                  scribed in clause (i)(I).

21                  “(iii) MODIFICATIONS.—The Director  
22                  of the Bureau of Prisons may modify the  
23                  conditions described in clause (i) if the Di-  
24                  rector determines that a compelling reason  
25                  exists to do so, and that the prisoner has



1                   demonstrated exemplary compliance with  
2                   such conditions.

3                   “(iv) DURATION.—Except as provided  
4                   in paragraph (4), a prisoner who is placed  
5                   in home confinement shall remain in home  
6                   confinement until the prisoner has served  
7                   not less than 85 percent of the prisoner’s  
8                   imposed term of imprisonment.

9                   “(B) RESIDENTIAL REENTRY CENTER.—A  
10                  prisoner placed in prerelease custody pursuant  
11                  to this subsection who is placed at a residential  
12                  reentry center shall be subject to such condi-  
13                  tions as the Director of the Bureau of Prisons  
14                  determines appropriate.

15                  “(3) SUPERVISED RELEASE.—If the sentencing  
16                  court included as a part of the prisoner’s sentence  
17                  a requirement that the prisoner be placed on a term  
18                  of supervised release after imprisonment pursuant to  
19                  section 3583, the Director of the Bureau of Prisons  
20                  may transfer the prisoner to begin any such term of  
21                  supervised release at an earlier date, not to exceed  
22                  12 months, based on the application of time credits  
23                  under section 3632.

24                  “(4) DETERMINATION OF CONDITIONS.—In de-  
25                  termining appropriate conditions for prisoners

1 placed in prerelease custody pursuant to this sub-  
2 section, the Director of the Bureau of Prisons shall,  
3 to the extent practicable, provide that increasingly  
4 less restrictive conditions shall be imposed on pris-  
5 oners who demonstrate continued compliance with  
6 the conditions of such prerelease custody, so as to  
7 most effectively prepare such prisoners for reentry.

8 “(5) VIOLATIONS OF CONDITIONS.—If a pris-  
9 oner violates a condition of the prisoner’s prerelease  
10 custody, the Director of the Bureau of Prisons may  
11 impose such additional conditions on the prisoner’s  
12 prerelease custody as the Director of the Bureau of  
13 Prisons determines appropriate, or revoke the pris-  
14 oner’s prerelease custody and require the prisoner to  
15 serve the remainder of the term of imprisonment to  
16 which the prisoner was sentenced, or any portion  
17 thereof, in prison. If the violation is nontechnical in  
18 nature, the Director of the Bureau of Prisons shall  
19 revoke the prisoner’s prerelease custody.

20 “(6) ISSUANCE OF GUIDELINES.—The Attorney  
21 General, in consultation with the Assistant Director  
22 for the Office of Probation and Pretrial Services,  
23 shall issue guidelines for use by the Bureau of Pris-  
24 ons in determining—

1           “(A) the appropriate type of prerelease  
2 custody or supervised release and level of super-  
3 vision for a prisoner placed on prerelease cus-  
4 tody pursuant to this subsection; and

5           “(B) consequences for a violation of a con-  
6 dition of such prerelease custody by such a pris-  
7 oner, including a return to prison and a reas-  
8 sessment of evidence-based recidivism risk level  
9 under the System.

10          “(7) AGREEMENTS WITH UNITED STATES PRO-  
11 BATION AND PRETRIAL SERVICES.—The Director of  
12 the Bureau of Prisons shall, to the greatest extent  
13 practicable, enter into agreements with United  
14 States Probation and Pretrial Services to supervise  
15 prisoners placed in home confinement under this  
16 subsection. Such agreements shall—

17           “(A) authorize United States Probation  
18 and Pretrial Services to exercise the authority  
19 granted to the Director pursuant to paragraphs  
20 (3) and (4); and

21           “(B) take into account the resource re-  
22 quirements of United States Probation and  
23 Pretrial Services as a result of the transfer of  
24 Bureau of Prisons prisoners to prerelease cus-  
25 tody or supervised release.

1           “(8) ASSISTANCE.—United States Probation  
2           and Pretrial Services shall, to the greatest extent  
3           practicable, offer assistance to any prisoner not  
4           under its supervision during prerelease custody  
5           under this subsection.

6           “(9) MENTORING, REENTRY, AND SPIRITUAL  
7           SERVICES.—Any prerelease custody into which a  
8           prisoner is placed under this subsection may not in-  
9           clude a condition prohibiting the prisoner from re-  
10          ceiving mentoring, reentry, or spiritual services from  
11          a person who provided such services to the prisoner  
12          while the prisoner was incarcerated, except that the  
13          warden of the facility at which the prisoner was in-  
14          carcerated may waive the requirement under this  
15          paragraph if the warden finds that the provision of  
16          such services would pose a significant security risk  
17          to the prisoner, persons who provide such services,  
18          or any other person. The warden shall provide writ-  
19          ten notice of any such waiver to the person providing  
20          such services and to the prisoner.

21          “(10) TIME LIMITS INAPPLICABLE.—The time  
22          limits under subsections (b) and (c) shall not apply  
23          to prerelease custody under this subsection.

24          “(11) PRERELEASE CUSTODY CAPACITY.—The  
25          Director of the Bureau of Prisons shall ensure there

1 is sufficient prerelease custody capacity to accommo-  
2 date all eligible prisoners.”.

3 (2) EFFECTIVE DATE.—The amendments made  
4 by this subsection shall take effect beginning on the  
5 date that the Attorney General completes and re-  
6 leases the risk and needs assessment system under  
7 subchapter D of chapter 229 of title 18, United  
8 States Code, as added by section 101(a) of this Act.

9 (3) APPLICABILITY.—The amendments made  
10 by this subsection shall apply with respect to of-  
11 fenses committed before, on, or after the date of en-  
12 actment of this Act, except that such amendments  
13 shall not apply with respect to offenses committed  
14 before November 1, 1987.

15 **SEC. 103. GAO REPORT.**

16 Not later than 2 years after the Director of the Bu-  
17 reau of Prisons implements the risk and needs assessment  
18 system under section 3621 of title 18, United States Code,  
19 and every 2 years thereafter, the Comptroller General of  
20 the United States shall conduct an audit of the use of the  
21 risk and needs assessment system at Bureau of Prisons  
22 facilities. The audit shall include analysis of the following:

23 (1) Whether inmates are being assessed under  
24 the risk and needs assessment system with the fre-

1       quency required under such section 3621 of title 18,  
2       United States Code.

3           (2) Whether the Bureau of Prisons is able to  
4       offer recidivism reduction programs and productive  
5       activities (as such terms are defined in section 3635  
6       of title 18, United States Code, as added by section  
7       101(a) of this Act).

8           (3) Whether the Bureau of Prisons is offering  
9       the type, amount, and intensity of recidivism reduc-  
10      tion programs and productive activities for prisoners  
11      to earn the maximum amount of time credits for  
12      which they are eligible.

13          (4) Whether the Attorney General is carrying  
14      out the duties under section 3631(b) of title 18,  
15      United States Code, as added by section 101(a) of  
16      this Act.

17          (5) Whether officers and employees of the Bu-  
18      reau of Prisons are receiving the training described  
19      in section 3632(f) of title 18, United States Code,  
20      as added by section 101(a) of this Act.

21          (6) Whether the Bureau of Prisons offers work  
22      assignments to all prisoners who might benefit from  
23      such an assignment.

24          (7) Whether the Bureau of Prisons transfers  
25      prisoners to prerelease custody or supervised release

1 as soon as they are eligible for such a transfer under  
2 section 3624(g) of title 18, United States Code, as  
3 added by section 102(b) of this Act.

4 (8) The rates of recidivism among similarly  
5 classified prisoners to identify any unwarranted dis-  
6 parities, including disparities among similarly classi-  
7 fied prisoners of different demographic groups, in  
8 such rates.

9 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) IN GENERAL.—There is authorized to be appro-  
11 priated to carry out this title \$75,000,000 for each of fis-  
12 cal years 2019 through 2023. Of the amount appropriated  
13 under this subsection, 80 percent shall be reserved for use  
14 by the Director of the Bureau of Prisons to implement  
15 the system under section 3621(h) of title 18, United  
16 States Code, as added by section 102(a) of this Act.

17 (b) SAVINGS.—It is the sense of Congress that any  
18 savings associated with reductions in recidivism that result  
19 from this title should be reinvested—

20 (1) to supplement funding for programs that  
21 increase public safety by providing resources to  
22 State and local law enforcement officials, including  
23 for the adoption of innovative technologies and infor-  
24 mation sharing capabilities;

1           (2) into evidence-based recidivism reduction  
2           programs offered by the Bureau of Prisons; and  
3           (3) into ensuring eligible prisoners have access  
4           to such programs and productive activities offered  
5           by the Bureau of Prisons.

6 **SEC. 105. RULE OF CONSTRUCTION.**

7           Nothing in this Act, or the amendments made by this  
8           Act, may be construed to provide authority to place a pris-  
9           oner in prerelease custody or supervised release who is  
10          serving a term of imprisonment pursuant to a conviction  
11          for an offense under the laws of one of the 50 States,  
12          or of a territory or possession of the United States or to  
13          amend or affect the enforcement of the immigration laws,  
14          as defined in section 101 of the Immigration and Nation-  
15          ality Act (8 U.S.C. 1101).

16 **SEC. 106. FAITH-BASED CONSIDERATIONS.**

17          (a) IN GENERAL.—In considering any program,  
18          treatment, regimen, group, company, charity, person, or  
19          entity of any kind under any provision of this Act, or the  
20          amendments made by this Act, the fact that it may be  
21          or is faith-based may not be a basis for any discrimination  
22          against it in any manner or for any purpose.

23          (b) ELIGIBILITY FOR EARNED TIME CREDIT.—Par-  
24          ticipation in a faith-based program, treatment, or regimen  
25          may qualify a prisoner for earned time credit under sub-



1 chapter D of chapter 229 of title 18, United States Code,  
2 as added by section 101(a) of this Act, however, the Direc-  
3 tor of the Bureau of Prisons shall ensure that non-faith-  
4 based programs that qualify for earned time credit are of-  
5 fered at each Bureau of Prisons facility in addition to any  
6 such faith-based programs.

7 (c) LIMITATION ON ACTIVITIES.—A group, company,  
8 charity, person, or entity may not engage in faith-based  
9 activities using direct financial assistance made available  
10 under this title or the amendments made by this title.

11 (d) RULE OF CONSTRUCTION.—Nothing in this Act,  
12 or the amendments made by this Act, may be construed  
13 to amend any requirement under Federal law or the Con-  
14 stitution of the United States regarding funding for faith-  
15 based programs or activities.

16 **SEC. 107. INDEPENDENT REVIEW COMMITTEE.**

17 (a) IN GENERAL.—The Attorney General shall con-  
18 sult with an Independent Review Committee in carrying  
19 out the Attorney General’s duties under sections 3631(b),  
20 3632 and 3633 of title 18, United States Code, as added  
21 by section 101(a) of this Act.

22 (b) FORMATION OF INDEPENDENT REVIEW COM-  
23 MITTEE.—The National Institute of Justice shall select a  
24 nonpartisan and nonprofit organization with expertise in  
25 the study and development of risk and needs assessment

1 tools to host the Independent Review Committee. The  
2 Independent Review Committee shall be established not  
3 later than 30 days after the date of enactment of this Act.

4 (c) APPOINTMENT OF INDEPENDENT REVIEW COM-  
5 MITTEE.—The organization selected by the National Insti-  
6 tute of Justice shall appoint not fewer than 6 members  
7 to the Independent Review Committee.

8 (d) COMPOSITION OF THE INDEPENDENT REVIEW  
9 COMMITTEE.—The members of the Independent Review  
10 Committee shall all have expertise in risk and needs as-  
11 sessment systems and shall include—

12 (1) 2 individuals who have published peer-re-  
13 viewed scholarship about risk and needs assessments  
14 in both corrections and community settings;

15 (2) 2 corrections practitioners who have devel-  
16 oped and implemented a risk assessment tool in a  
17 corrections system or in a community supervision  
18 setting, including 1 with prior experience working  
19 within the Bureau of Prisons; and

20 (3) 1 individual with expertise in assessing risk  
21 assessment implementation.

22 (e) DUTIES OF THE INDEPENDENT REVIEW COM-  
23 MITTEE.—The Independent Review Committee shall assist  
24 the Attorney General in carrying out the Attorney Gen-  
25 eral's duties under sections 3631(b), 3632 and 3633 of

1 title 18, United States Code, as added by section 101(a)  
2 of this Act, including by assisting in—

3 (1) conducting a review of the existing prisoner  
4 risk and needs assessment systems in operation on  
5 the date of enactment of this Act;

6 (2) developing recommendations regarding evi-  
7 dence-based recidivism reduction programs and pro-  
8 ductive activities;

9 (3) conducting research and data analysis on—

10 (A) evidence-based recidivism reduction  
11 programs relating to the use of prisoner risk  
12 and needs assessment tools;

13 (B) the most effective and efficient uses of  
14 such programs; and

15 (C) which evidence-based recidivism reduc-  
16 tion programs are the most effective at reduc-  
17 ing recidivism, and the type, amount, and inten-  
18 sity of programming that most effectively re-  
19 duces the risk of recidivism; and

20 (4) reviewing and validating the risk and needs  
21 assessment system.

22 (f) BUREAU OF PRISONS COOPERATION.—The Direc-  
23 tor of the Bureau of Prisons shall assist the Independent  
24 Review Committee in performing the Committee's duties  
25 and promptly respond to requests from the Committee for

1 access to Bureau of Prisons facilities, personnel, and in-  
2 formation.

3 (g) REPORT.—Not later than 2 years after the date  
4 of enactment of this Act, the Independent Review Com-  
5 mittee shall submit to the Committee on the Judiciary and  
6 the Subcommittee on Commerce, Justice, Science, and Re-  
7 lated Agencies of the Committee on Appropriations of the  
8 Senate and the Committee on the Judiciary and the Sub-  
9 committee on Commerce, Justice, Science, and Related  
10 Agencies of the Committee on Appropriations of the  
11 House of Representatives a report that includes—

12 (1) a list of all offenses of conviction for which  
13 prisoners were ineligible to receive time credits  
14 under section 3632(d)(4)(D) of title 18, United  
15 States Code, as added by section 101(a) of this Act,  
16 and for each offense the number of prisoners ex-  
17 cluded, including demographic percentages by age,  
18 race, and sex;

19 (2) the criminal history categories of prisoners  
20 ineligible to receive time credits under section  
21 3632(d)(4)(D) of title 18, United States Code, as  
22 added by section 101(a) of this Act, and for each  
23 category the number of prisoners excluded, including  
24 demographic percentages by age, race, and sex;

1           (3) the number of prisoners ineligible to apply  
2           time credits under section 3632(d)(4)(D) of title 18,  
3           United States Code, as added by section 101(a) of  
4           this Act, who do not participate in recidivism reduc-  
5           tion programming or productive activities, including  
6           the demographic percentages by age, race, and sex;

7           (4) any recommendations for modifications to  
8           section 3632(d)(4)(D) of title 18, United States  
9           Code, as added by section 101(a) of this Act, and  
10          any other recommendations regarding recidivism re-  
11          duction.

12          (h) TERMINATION.—The Independent Review Com-  
13          mittee shall terminate on the date that is 2 years after  
14          the date on which the risk and needs assessment system  
15          authorized by sections 3632 and 3633 of title 18, United  
16          States Code, as added by section 101(a) of this Act, is  
17          released.

## 18       **TITLE II—BUREAU OF PRISONS**

## 19       **SECURE FIREARMS STORAGE**

### 20       **SEC. 201. SHORT TITLE.**

21          This title may be cited as the “Lieutenant Osvaldo  
22          Albarati Correctional Officer Self-Protection Act of  
23          2018”.

1   **SEC. 202. SECURE FIREARMS STORAGE.**

2           (a) IN GENERAL.—Chapter 303 of title 18, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing:

5   **“§ 4050. Secure firearms storage**

6           “(a) DEFINITIONS.—In this section—

7                   “(1) the term ‘employee’ means a qualified law  
8 enforcement officer employed by the Bureau of Pris-  
9 ons; and

10                   “(2) the terms ‘firearm’ and ‘qualified law en-  
11 forcement officer’ have the meanings given those  
12 terms under section 926B.

13           “(b) SECURE FIREARMS STORAGE.—The Director of  
14 the Bureau of Prisons shall ensure that each chief execu-  
15 tive officer of a Federal penal or correctional institution—

16                   “(1)(A) provides a secure storage area located  
17 outside of the secure perimeter of the institution for  
18 employees to store firearms; or

19                   “(B) allows employees to store firearms in a ve-  
20 hicle lockbox approved by the Director of the Bureau  
21 of Prisons; and

22                   “(2) notwithstanding any other provision of  
23 law, allows employees to carry concealed firearms on  
24 the premises outside of the secure perimeter of the  
25 institution.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
2 The table of sections for chapter 303 of title 18, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing:

“4050. Secure firearms storage.”.

5 **TITLE III—RESTRAINTS ON**  
6 **PREGNANT PRISONERS PRO-**  
7 **HIBITED**

8 **SEC. 301. USE OF RESTRAINTS ON PRISONERS DURING THE**  
9 **PERIOD OF PREGNANCY AND POSTPARTUM**  
10 **RECOVERY PROHIBITED.**

11 (a) IN GENERAL.—Chapter 317 of title 18, United  
12 States Code, is amended by inserting after section 4321  
13 the following:

14 **“§ 4322. Use of restraints on prisoners during the pe-**  
15 **riod of pregnancy, labor, and postpartum**  
16 **recovery prohibited**

17 “(a) PROHIBITION.—Except as provided in sub-  
18 section (b), beginning on the date on which pregnancy is  
19 confirmed by a healthcare professional, and ending at the  
20 conclusion of postpartum recovery, a prisoner in the cus-  
21 tody of the Bureau of Prisons, or in the custody of the  
22 United States Marshals Service pursuant to section 4086,  
23 shall not be placed in restraints.

24 “(b) EXCEPTIONS.—

1           “(1) IN GENERAL.—The prohibition under sub-  
2           section (a) shall not apply if—

3                   “(A) an appropriate corrections official, or  
4           a United States marshal, as applicable, makes  
5           a determination that the prisoner—

6                           “(i) is an immediate and credible  
7                           flight risk that cannot reasonably be pre-  
8                           vented by other means; or

9                           “(ii) poses an immediate and serious  
10           threat of harm to herself or others that  
11           cannot reasonably be prevented by other  
12           means; or

13                   “(B) a healthcare professional responsible  
14           for the health and safety of the prisoner deter-  
15           mines that the use of restraints is appropriate  
16           for the medical safety of the prisoner.

17           “(2) LEAST RESTRICTIVE RESTRAINTS.—In the  
18           case that restraints are used pursuant to an excep-  
19           tion under paragraph (1), only the least restrictive  
20           restraints necessary to prevent the harm or risk of  
21           escape described in paragraph (1) may be used.

22           “(3) APPLICATION.—

23                   “(A) IN GENERAL.—The exceptions under  
24           paragraph (1) may not be applied—



1 “(i) to place restraints around the an-  
2 kles, legs, or waist of a prisoner;

3 “(ii) to restrain a prisoner’s hands be-  
4 hind her back;

5 “(iii) to restrain a prisoner using 4-  
6 point restraints; or

7 “(iv) to attach a prisoner to another  
8 prisoner.

9 “(B) MEDICAL REQUEST.—Notwith-  
10 standing paragraph (1), upon the request of a  
11 healthcare professional who is responsible for  
12 the health and safety of a prisoner, a correc-  
13 tions official or United States marshal, as ap-  
14 plicable, shall refrain from using restraints on  
15 the prisoner or shall remove restraints used on  
16 the prisoner.

17 “(c) REPORTS.—

18 “(1) REPORT TO THE DIRECTOR AND  
19 HEALTHCARE PROFESSIONAL.—If a corrections offi-  
20 cial or United States marshal uses restraints on a  
21 prisoner under subsection (b)(1), that official or  
22 marshal shall submit, not later than 30 days after  
23 placing the prisoner in restraints, to the Director of  
24 the Bureau of Prisons or the Director of the United  
25 States Marshals Service, as applicable, and to the

1 healthcare professional responsible for the health  
2 and safety of the prisoner, a written report that de-  
3 scribes the facts and circumstances surrounding the  
4 use of restraints, and includes—

5 “(A) the reasoning upon which the deter-  
6 mination to use restraints was made;

7 “(B) the details of the use of restraints,  
8 including the type of restraints used and length  
9 of time during which restraints were used; and

10 “(C) any resulting physical effects on the  
11 prisoner observed by or known to the correc-  
12 tions official or United States marshal, as ap-  
13 plicable.

14 “(2) SUPPLEMENTAL REPORT TO THE DIREC-  
15 TOR.—Upon receipt of a report under paragraph  
16 (1), the healthcare professional responsible for the  
17 health and safety of the prisoner may submit to the  
18 Director such information as the healthcare profes-  
19 sional determines is relevant to the use of restraints  
20 on the prisoner.

21 “(3) REPORT TO JUDICIARY COMMITTEES.—

22 “(A) IN GENERAL.—Not later than 1 year  
23 after the date of enactment of this section, and  
24 annually thereafter, the Director of the Bureau  
25 of Prisons and the Director of the United

1 States Marshals Service shall each submit to  
2 the Judiciary Committee of the Senate and of  
3 the House of Representatives a report that cer-  
4 tifies compliance with this section and includes  
5 the information required to be reported under  
6 paragraph (1).

7 “(B) PERSONALLY IDENTIFIABLE INFOR-  
8 MATION.—The report under this paragraph  
9 shall not contain any personally identifiable in-  
10 formation of any prisoner.

11 “(d) NOTICE.—Not later than 48 hours after the con-  
12 firmation of a prisoner’s pregnancy by a healthcare profes-  
13 sional, that prisoner shall be notified by an appropriate  
14 healthcare professional, corrections official, or United  
15 States marshal, as applicable, of the restrictions on the  
16 use of restraints under this section.

17 “(e) VIOLATION REPORTING PROCESS.—The Direc-  
18 tor of the Bureau of Prisons, in consultation with the Di-  
19 rector of the United States Marshals Service, shall estab-  
20 lish a process through which a prisoner may report a viola-  
21 tion of this section.

22 “(f) TRAINING.—

23 “(1) IN GENERAL.—The Director of the Bureau  
24 of Prisons and the Director of the United States  
25 Marshals Service shall each develop training guide-

1 lines regarding the use of restraints on female pris-  
2 oners during the period of pregnancy, labor, and  
3 postpartum recovery, and shall incorporate such  
4 guidelines into appropriate training programs. Such  
5 training guidelines shall include—

6 “(A) how to identify certain symptoms of  
7 pregnancy that require immediate referral to a  
8 healthcare professional;

9 “(B) circumstances under which the excep-  
10 tions under subsection (b) would apply;

11 “(C) in the case that an exception under  
12 subsection (b) applies, how to apply restraints  
13 in a way that does not harm the prisoner, the  
14 fetus, or the neonate;

15 “(D) the information required to be re-  
16 ported under subsection (c); and

17 “(E) the right of a healthcare professional  
18 to request that restraints not be used, and the  
19 requirement under subsection (b)(3)(B) to com-  
20 ply with such a request.

21 “(2) DEVELOPMENT OF GUIDELINES.—In de-  
22 veloping the guidelines required by paragraph (1),  
23 the Directors shall each consult with healthcare pro-  
24 fessionals with expertise in caring for women during  
25 the period of pregnancy and postpartum recovery.

1 “(g) DEFINITIONS.—For purposes of this section:

2 “(1) POSTPARTUM RECOVERY.—The term  
3 ‘postpartum recovery’ means the 12-week period, or  
4 longer as determined by the healthcare professional  
5 responsible for the health and safety of the prisoner,  
6 following delivery, and shall include the entire period  
7 that the prisoner is in the hospital or infirmary.

8 “(2) PRISONER.—The term ‘prisoner’ means a  
9 person who has been sentenced to a term of impris-  
10 onment pursuant to a conviction for a Federal crimi-  
11 nal offense, or a person in the custody of the Bureau  
12 of Prisons, including a person in a Bureau of Pris-  
13 ons contracted facility.

14 “(3) RESTRAINTS.—The term ‘restraints’  
15 means any physical or mechanical device used to  
16 control the movement of a prisoner’s body, limbs, or  
17 both.”.

18 (b) CLERICAL AMENDMENT.—The table of sections  
19 for chapter 317 of title 18, United States Code, is amend-  
20 ed by adding after the item relating to section 4321 the  
21 following:

“4322. Use of restraints on prisoners during the period of pregnancy, labor, and  
postpartum recovery prohibited.”.

1 **TITLE IV—SENTENCING REFORM**

2 **SEC. 401. REDUCE AND RESTRICT ENHANCED SENTENCING**  
3 **FOR PRIOR DRUG FELONIES.**

4 (a) CONTROLLED SUBSTANCES ACT AMEND-  
5 MENTS.—The Controlled Substances Act (21 U.S.C. 801  
6 et seq.) is amended—

7 (1) in section 102 (21 U.S.C. 802), by adding  
8 at the end the following:

9 “(57) The term ‘serious drug felony’ means an  
10 offense described in section 924(e)(2) of title 18,  
11 United States Code, for which—

12 “(A) the offender served a term of impris-  
13 onment of more than 12 months; and

14 “(B) the offender’s release from any term  
15 of imprisonment was within 15 years of the  
16 commencement of the instant offense.

17 “(58) The term ‘serious violent felony’ means—

18 “(A) an offense described in section  
19 3559(c)(2) of title 18, United States Code, for  
20 which the offender served a term of imprison-  
21 ment of more than 12 months; and

22 “(B) any offense that would be a felony  
23 violation of section 113 of title 18, United  
24 States Code, if the offense were committed in  
25 the special maritime and territorial jurisdiction

1 of the United States, for which the offender  
2 served a term of imprisonment of more than 12  
3 months.”; and

4 (2) in section 401(b)(1) (21 U.S.C.  
5 841(b)(1))—

6 (A) in subparagraph (A), in the matter fol-  
7 lowing clause (viii)—

8 (i) by striking “If any person commits  
9 such a violation after a prior conviction for  
10 a felony drug offense has become final,  
11 such person shall be sentenced to a term of  
12 imprisonment which may not be less than  
13 20 years” and inserting the following: “If  
14 any person commits such a violation after  
15 a prior conviction for a serious drug felony  
16 or serious violent felony has become final,  
17 such person shall be sentenced to a term of  
18 imprisonment of not less than 15 years”;  
19 and

20 (ii) by striking “after two or more  
21 prior convictions for a felony drug offense  
22 have become final, such person shall be  
23 sentenced to a mandatory term of life im-  
24 prisonment without release” and inserting  
25 the following: “after 2 or more prior con-

1                   victions for a serious drug felony or serious  
2                   violent felony have become final, such per-  
3                   son shall be sentenced to a term of impris-  
4                   onment of not less than 25 years”; and

5                   (B) in subparagraph (B), in the matter  
6                   following clause (viii), by striking “If any per-  
7                   son commits such a violation after a prior con-  
8                   viction for a felony drug offense has become  
9                   final” and inserting the following: “If any per-  
10                  son commits such a violation after a prior con-  
11                  viction for a serious drug felony or serious vio-  
12                  lent felony has become final”.

13               (b) CONTROLLED SUBSTANCES IMPORT AND EXPORT  
14 ACT AMENDMENTS.—Section 1010(b) of the Controlled  
15 Substances Import and Export Act (21 U.S.C. 960(b)) is  
16 amended—

17               (1) in paragraph (1), in the matter following  
18               subparagraph (H), by striking “If any person com-  
19               mits such a violation after a prior conviction for a  
20               felony drug offense has become final, such person  
21               shall be sentenced to a term of imprisonment of not  
22               less than 20 years” and inserting “If any person  
23               commits such a violation after a prior conviction for  
24               a serious drug felony or serious violent felony has  
25               become final, such person shall be sentenced to a



1 term of imprisonment of not less than 15 years”;  
2 and

3 (2) in paragraph (2), in the matter following  
4 subparagraph (H), by striking “felony drug offense”  
5 and inserting “serious drug felony or serious violent  
6 felony”.

7 (c) APPLICABILITY TO PENDING CASES.—This sec-  
8 tion, and the amendments made by this section, shall  
9 apply to any offense that was committed before the date  
10 of enactment of this Act, if a sentence for the offense has  
11 not been imposed as of such date of enactment.

12 **SEC. 402. BROADENING OF EXISTING SAFETY VALVE.**

13 (a) AMENDMENTS.—Section 3553 of title 18, United  
14 States Code, is amended—

15 (1) in subsection (f)—

16 (A) in the matter preceding paragraph  
17 (1)—

18 (i) by striking “or section 1010” and  
19 inserting “, section 1010”; and

20 (ii) by inserting “, or section 70503 or  
21 70506 of title 46” after “963”;

22 (B) by striking paragraph (1) and insert-  
23 ing the following:

24 “(1) the defendant does not have—

1           “(A) more than 4 criminal history points,  
2           excluding any criminal history points resulting  
3           from a 1-point offense, as determined under the  
4           sentencing guidelines;

5           “(B) a prior 3-point offense, as determined  
6           under the sentencing guidelines; and

7           “(C) a prior 2-point violent offense, as de-  
8           termined under the sentencing guidelines;”; and

9           (C) by adding at the end the following:

10 “Information disclosed by a defendant under this sub-  
11 section may not be used to enhance the sentence of the  
12 defendant unless the information relates to a violent of-  
13 fense.”; and

14           (2) by adding at the end the following:

15           “(g) DEFINITION OF VIOLENT OFFENSE.—As used  
16 in this section, the term ‘violent offense’ means a crime  
17 of violence, as defined in section 16, that is punishable  
18 by imprisonment.”.

19           (b) APPLICABILITY.—The amendments made by this  
20 section shall apply only to a conviction entered on or after  
21 the date of enactment of this Act.

22 **SEC. 403. CLARIFICATION OF SECTION 924(c) OF TITLE 18,**  
23 **UNITED STATES CODE.**

24           (a) IN GENERAL.—Section 924(c)(1)(C) of title 18,  
25 United States Code, is amended, in the matter preceding

1 clause (i), by striking “second or subsequent conviction  
2 under this subsection” and inserting “violation of this sub-  
3 section that occurs after a prior conviction under this sub-  
4 section has become final”.

5 (b) APPLICABILITY TO PENDING CASES.—This sec-  
6 tion, and the amendments made by this section, shall  
7 apply to any offense that was committed before the date  
8 of enactment of this Act, if a sentence for the offense has  
9 not been imposed as of such date of enactment.

10 **SEC. 404. APPLICATION OF FAIR SENTENCING ACT.**

11 (a) DEFINITION OF COVERED OFFENSE.—In this  
12 section, the term “covered offense” means a violation of  
13 a Federal criminal statute, the statutory penalties for  
14 which were modified by section 2 or 3 of the Fair Sen-  
15 tencing Act of 2010 (Public Law 111–220; 124 Stat.  
16 2372), that was committed before August 3, 2010.

17 (b) DEFENDANTS PREVIOUSLY SENTENCED.—A  
18 court that imposed a sentence for a covered offense may,  
19 on motion of the defendant, the Director of the Bureau  
20 of Prisons, the attorney for the Government, or the court,  
21 impose a reduced sentence as if sections 2 and 3 of the  
22 Fair Sentencing Act of 2010 (Public Law 111–220; 124  
23 Stat. 2372) were in effect at the time the covered offense  
24 was committed.

1 (c) LIMITATIONS.—No court shall entertain a motion  
2 made under this section to reduce a sentence if the sen-  
3 tence was previously imposed or previously reduced in ac-  
4 cordance with the amendments made by sections 2 and  
5 3 of the Fair Sentencing Act of 2010 (Public Law 111–  
6 220; 124 Stat. 2372) or if a previous motion made under  
7 this section to reduce the sentence was, after the date of  
8 enactment of this Act, denied after a complete review of  
9 the motion on the merits. Nothing in this section shall  
10 be construed to require a court to reduce any sentence  
11 pursuant to this section.

12 **TITLE V—SECOND CHANCE ACT**  
13 **OF 2007 REAUTHORIZATION**

14 **SEC. 501. SHORT TITLE.**

15 This title may be cited as the “Second Chance Reau-  
16 thorization Act of 2018”.

17 **SEC. 502. IMPROVEMENTS TO EXISTING PROGRAMS.**

18 (a) REAUTHORIZATION OF ADULT AND JUVENILE  
19 OFFENDER STATE AND LOCAL DEMONSTRATION  
20 PROJECTS.—Section 2976 of title I of the Omnibus Crime  
21 Control and Safe Streets Act of 1968 (34 U.S.C. 10631)  
22 is amended—

23 (1) by striking subsection (a) and inserting the  
24 following:

1       “(a) GRANT AUTHORIZATION.—The Attorney Gen-  
2 eral shall make grants to States, local governments, terri-  
3 tories, or Indian tribes, or any combination thereof (in this  
4 section referred to as an ‘eligible entity’), in partnership  
5 with interested persons (including Federal corrections and  
6 supervision agencies), service providers, and nonprofit or-  
7 ganizations for the purpose of strategic planning and im-  
8 plementation of adult and juvenile offender reentry  
9 projects.”;

10           (2) in subsection (b)—

11               (A) in paragraph (3), by inserting “or re-  
12 entry courts,” after “community,”;

13               (B) in paragraph (6), by striking “and” at  
14 the end;

15               (C) in paragraph (7), by striking the pe-  
16 riod at the end and inserting “; and”; and

17               (D) by adding at the end the following:

18           “(8) promoting employment opportunities con-  
19 sistent with the Transitional Jobs strategy (as de-  
20 fined in section 4 of the Second Chance Act of 2007  
21 (34 U.S.C. 60502)).”; and

22           (3) by striking subsections (d), (e), and (f) and  
23 inserting the following:

24       “(d) COMBINED GRANT APPLICATION; PRIORITY  
25 CONSIDERATION.—

1           “(1) IN GENERAL.—The Attorney General shall  
2       develop a procedure to allow applicants to submit a  
3       single application for a planning grant under sub-  
4       section (e) and an implementation grant under sub-  
5       section (f).

6           “(2) PRIORITY CONSIDERATION.—The Attorney  
7       General shall give priority consideration to grant ap-  
8       plications under subsections (e) and (f) that include  
9       a commitment by the applicant to partner with a  
10      local evaluator to identify and analyze data that  
11      will—

12           “(A) enable the grantee to target the in-  
13      tended offender population; and

14           “(B) serve as a baseline for purposes of  
15      the evaluation.

16      “(e) PLANNING GRANTS.—

17           “(1) IN GENERAL.—Except as provided in para-  
18      graph (3), the Attorney General may make a grant  
19      to an eligible entity of not more than \$75,000 to de-  
20      velop a strategic, collaborative plan for an adult or  
21      juvenile offender reentry demonstration project as  
22      described in subsection (h) that includes—

23           “(A) a budget and a budget justification;

24           “(B) a description of the outcome meas-  
25      ures that will be used to measure the effective-

1           ness of the program in promoting public safety  
2           and public health;

3                 “(C) the activities proposed;

4                 “(D) a schedule for completion of the ac-  
5           tivities described in subparagraph (C); and

6                 “(E) a description of the personnel nec-  
7           essary to complete the activities described in  
8           subparagraph (C).

9                 “(2) MAXIMUM TOTAL GRANTS AND GEO-  
10          GRAPHIC DIVERSITY.—

11                 “(A) MAXIMUM AMOUNT.—The Attorney  
12          General may not make initial planning grants  
13          and implementation grants to 1 eligible entity  
14          in a total amount that is more than a  
15          \$1,000,000.

16                 “(B) GEOGRAPHIC DIVERSITY.—The At-  
17          torney General shall make every effort to en-  
18          sure equitable geographic distribution of grants  
19          under this section and take into consideration  
20          the needs of underserved populations, including  
21          rural and tribal communities.

22                 “(3) PERIOD OF GRANT.—A planning grant  
23          made under this subsection shall be for a period of  
24          not longer than 1 year, beginning on the first day  
25          of the month in which the planning grant is made.

1 “(f) IMPLEMENTATION GRANTS.—

2 “(1) APPLICATIONS.—An eligible entity desiring  
3 an implementation grant under this subsection shall  
4 submit to the Attorney General an application  
5 that—

6 “(A) contains a reentry strategic plan as  
7 described in subsection (h), which describes the  
8 long-term strategy and incorporates a detailed  
9 implementation schedule, including the plans of  
10 the applicant to fund the program after Federal  
11 funding is discontinued;

12 “(B) identifies the local government role  
13 and the role of governmental agencies and non-  
14 profit organizations that will be coordinated by,  
15 and that will collaborate on, the offender re-  
16 entry strategy of the applicant, and certifies the  
17 involvement of such agencies and organizations;

18 “(C) describes the evidence-based method-  
19 ology and outcome measures that will be used  
20 to evaluate the program funded with a grant  
21 under this subsection, and specifically explains  
22 how such measurements will provide valid meas-  
23 ures of the impact of that program; and



1           “(D) describes how the project could be  
2           broadly replicated if demonstrated to be effec-  
3           tive.

4           “(2) REQUIREMENTS.—The Attorney General  
5           may make a grant to an applicant under this sub-  
6           section only if the application—

7           “(A) reflects explicit support of the chief  
8           executive officer, or their designee, of the State,  
9           unit of local government, territory, or Indian  
10          tribe applying for a grant under this subsection;

11          “(B) provides discussion of the role of  
12          Federal corrections, State corrections depart-  
13          ments, community corrections agencies, juvenile  
14          justice systems, and tribal or local jail systems  
15          in ensuring successful reentry of offenders into  
16          their communities;

17          “(C) provides evidence of collaboration  
18          with State, local, or tribal government agencies  
19          overseeing health, housing, child welfare, edu-  
20          cation, substance abuse, victims services, and  
21          employment services, and with local law en-  
22          forcement agencies;

23          “(D) provides a plan for analysis of the  
24          statutory, regulatory, rules-based, and practice-

1 based hurdles to reintegration of offenders into  
2 the community;

3 “(E) includes the use of a State, local, ter-  
4 ritorial, or tribal task force, described in sub-  
5 section (i), to carry out the activities funded  
6 under the grant;

7 “(F) provides a plan for continued collabo-  
8 ration with a local evaluator as necessary to  
9 meeting the requirements under subsection (h);  
10 and

11 “(G) demonstrates that the applicant par-  
12 ticipated in the planning grant process or en-  
13 gaged in comparable planning for the reentry  
14 project.

15 “(3) PRIORITY CONSIDERATIONS.—The Attor-  
16 ney General shall give priority to grant applications  
17 under this subsection that best—

18 “(A) focus initiative on geographic areas  
19 with a disproportionate population of offenders  
20 released from prisons, jails, and juvenile facili-  
21 ties;

22 “(B) include—

23 “(i) input from nonprofit organiza-  
24 tions, in any case where relevant input is

1 available and appropriate to the grant ap-  
2 plication;

3 “(ii) consultation with crime victims  
4 and offenders who are released from pris-  
5 ons, jails, and juvenile facilities;

6 “(iii) coordination with families of of-  
7 fenders;

8 “(iv) input, where appropriate, from  
9 the juvenile justice coordinating council of  
10 the region;

11 “(v) input, where appropriate, from  
12 the reentry coordinating council of the re-  
13 gion; or

14 “(vi) input, where appropriate, from  
15 other interested persons;

16 “(C) demonstrate effective case assessment  
17 and management abilities in order to provide  
18 comprehensive and continuous reentry, includ-  
19 ing—

20 “(i) planning for prerelease transi-  
21 tional housing and community release that  
22 begins upon admission for juveniles and  
23 jail inmates, and, as appropriate, for pris-  
24 on inmates, depending on the length of the  
25 sentence;

1                   “(ii) establishing prerelease planning  
2                   procedures to ensure that the eligibility of  
3                   an offender for Federal, tribal, or State  
4                   benefits upon release is established prior to  
5                   release, subject to any limitations in law,  
6                   and to ensure that offenders obtain all nec-  
7                   essary referrals for reentry services, includ-  
8                   ing assistance identifying and securing  
9                   suitable housing; or

10                   “(iii) delivery of continuous and ap-  
11                   propriate mental health services, drug  
12                   treatment, medical care, job training and  
13                   placement, educational services, vocational  
14                   services, and any other service or support  
15                   needed for reentry;

16                   “(D) review the process by which the ap-  
17                   plicant adjudicates violations of parole, proba-  
18                   tion, or supervision following release from pris-  
19                   on, jail, or a juvenile facility, taking into ac-  
20                   count public safety and the use of graduated,  
21                   community-based sanctions for minor and tech-  
22                   nical violations of parole, probation, or super-  
23                   vision (specifically those violations that are not  
24                   otherwise, and independently, a violation of  
25                   law);

1           “(E) provide for an independent evaluation  
2           of reentry programs that include, to the max-  
3           imum extent possible, random assignment and  
4           controlled studies to determine the effectiveness  
5           of such programs;

6           “(F) target moderate and high-risk offend-  
7           ers for reentry programs through validated as-  
8           sessment tools; or

9           “(G) target offenders with histories of  
10          homelessness, substance abuse, or mental ill-  
11          ness, including a prerelease assessment of the  
12          housing status of the offender and behavioral  
13          health needs of the offender with clear coordi-  
14          nation with mental health, substance abuse, and  
15          homelessness services systems to achieve stable  
16          and permanent housing outcomes with appro-  
17          priate support service.

18          “(4) PERIOD OF GRANT.—A grant made under  
19          this subsection shall be effective for a 2-year pe-  
20          riod—

21               “(A) beginning on the date on which the  
22               planning grant awarded under subsection (e)  
23               concludes; or

24               “(B) in the case of an implementation  
25               grant awarded to an eligible entity that did not

1 receive a planning grant, beginning on the date  
2 on which the implementation grant is award-  
3 ed.”;

4 (4) in subsection (h)—

5 (A) by redesignating paragraphs (2) and  
6 (3) as paragraphs (3) and (4), respectively; and

7 (B) by striking paragraph (1) and insert-  
8 ing the following:

9 “(1) IN GENERAL.—As a condition of receiving  
10 financial assistance under subsection (f), each appli-  
11 cation shall develop a comprehensive reentry stra-  
12 tegic plan that—

13 “(A) contains a plan to assess inmate re-  
14 entry needs and measurable annual and 3-year  
15 performance outcomes;

16 “(B) uses, to the maximum extent possible,  
17 randomly assigned and controlled studies, or  
18 rigorous quasi-experimental studies with  
19 matched comparison groups, to determine the  
20 effectiveness of the program funded with a  
21 grant under subsection (f); and

22 “(C) includes as a goal of the plan to re-  
23 duce the rate of recidivism for offenders re-  
24 leased from prison, jail or a juvenile facility  
25 with funds made available under subsection (f).

1           “(2) LOCAL EVALUATOR.—A partnership with a  
2           local evaluator described in subsection (d)(2) shall  
3           require the local evaluator to use the baseline data  
4           and target population characteristics developed  
5           under a subsection (e) planning grant to derive a  
6           target goal for recidivism reduction during the 3-  
7           year period beginning on the date of implementation  
8           of the program.”;

9           (5) in subsection (i)(1)—

10           (A) in the matter preceding subparagraph  
11           (A), by striking “under this section” and insert-  
12           ing “under subsection (f)”;

13           (B) in subparagraph (B), by striking “sub-  
14           section (e)(4)” and inserting “subsection  
15           (f)(2)(D)”;

16           (6) in subsection (j)—

17           (A) in paragraph (1), by inserting “for an  
18           implementation grant under subsection (f)”  
19           after “applicant”;

20           (B) in paragraph (2)—

21           (i) in subparagraph (E), by inserting  
22           “, where appropriate” after “support”; and

23           (ii) by striking subparagraphs (F),  
24           (G), and (H), and inserting the following:

1           “(F) increased number of staff trained to  
2 administer reentry services;

3           “(G) increased proportion of individuals  
4 served by the program among those eligible to  
5 receive services;

6           “(H) increased number of individuals re-  
7 ceiving risk screening needs assessment, and  
8 case planning services;

9           “(I) increased enrollment in, and comple-  
10 tion of treatment services, including substance  
11 abuse and mental health services among those  
12 assessed as needing such services;

13           “(J) increased enrollment in and degrees  
14 earned from educational programs, including  
15 high school, GED, vocational training, and col-  
16 lege education;

17           “(K) increased number of individuals ob-  
18 taining and retaining employment;

19           “(L) increased number of individuals ob-  
20 taining and maintaining housing;

21           “(M) increased self-reports of successful  
22 community living, including stability of living  
23 situation and positive family relationships;

24           “(N) reduction in drug and alcohol use;  
25 and



1           “(O) reduction in recidivism rates for indi-  
2           viduals receiving reentry services after release,  
3           as compared to either baseline recidivism rates  
4           in the jurisdiction of the grantee or recidivism  
5           rates of the control or comparison group.”;

6           (C) in paragraph (3), by striking “facili-  
7           ties.” and inserting “facilities, including a cost-  
8           benefit analysis to determine the cost effective-  
9           ness of the reentry program.”;

10          (D) in paragraph (4), by striking “this sec-  
11          tion” and inserting “subsection (f)”;

12          (E) in paragraph (5), by striking “this sec-  
13          tion” and inserting “subsection (f)”;

14          (7) in subsection (k)(1), by striking “this sec-  
15          tion” each place the term appears and inserting  
16          “subsection (f)”;

17          (8) in subsection (l)—

18               (A) in paragraph (2), by inserting “begin-  
19               ning on the date on which the most recent im-  
20               plementation grant is made to the grantee  
21               under subsection (f)” after “2-year period”;  
22               and

23               (B) in paragraph (4), by striking “over a  
24               2-year period” and inserting “during the 2-year  
25               period described in paragraph (2)”;

1           (9) in subsection (o)(1), by striking “appro-  
2       priated” and all that follows and inserting the fol-  
3       lowing: “appropriated \$35,000,000 for each of fiscal  
4       years 2019 through 2023.”; and

5           (10) by adding at the end the following:

6       “(p) DEFINITION.—In this section, the term ‘reentry  
7       court’ means a program that—

8           “(1) monitors juvenile and adult eligible offend-  
9       ers reentering the community;

10          “(2) provides continual judicial supervision;

11          “(3) provides juvenile and adult eligible offend-  
12       ers reentering the community with coordinated and  
13       comprehensive reentry services and programs, such  
14       as—

15               “(A) drug and alcohol testing and assess-  
16       ment for treatment;

17               “(B) assessment for substance abuse from  
18       a substance abuse professional who is approved  
19       by the State or Indian tribe and licensed by the  
20       appropriate entity to provide alcohol and drug  
21       addiction treatment, as appropriate;

22               “(C) substance abuse treatment, including  
23       medication-assisted treatment, from a provider  
24       that is approved by the State or Indian tribe,

1 and licensed, if necessary, to provide medical  
2 and other health services;

3 “(D) health (including mental health) serv-  
4 ices and assessment;

5 “(E) aftercare and case management serv-  
6 ices that—

7 “(i) facilitate access to clinical care  
8 and related health services; and

9 “(ii) coordinate with such clinical care  
10 and related health services; and

11 “(F) any other services needed for reentry;

12 “(4) convenes community impact panels, victim  
13 impact panels, or victim impact educational classes;

14 “(5) provides and coordinates the delivery of  
15 community services to juvenile and adult eligible of-  
16 fenders, including—

17 “(A) housing assistance;

18 “(B) education;

19 “(C) job training;

20 “(D) conflict resolution skills training;

21 “(E) batterer intervention programs; and

22 “(F) other appropriate social services; and

23 “(6) establishes and implements graduated  
24 sanctions and incentives.”.

1 (b) GRANTS FOR FAMILY-BASED SUBSTANCE ABUSE  
2 TREATMENT.—Part DD of title I of the Omnibus Crime  
3 Control and Safe Streets Act of 1968 (34 U.S.C. 10591  
4 et seq.) is amended—

5 (1) in section 2921 (34 U.S.C. 10591), in the  
6 matter preceding paragraph (1), by inserting “non-  
7 profit organizations,” before “and Indian”;

8 (2) in section 2923 (34 U.S.C. 10593), by add-  
9 ing at the end the following:

10 “(c) PRIORITY CONSIDERATIONS.—The Attorney  
11 General shall give priority consideration to grant applica-  
12 tions for grants under section 2921 that are submitted  
13 by a nonprofit organization that demonstrates a relation-  
14 ship with State and local criminal justice agencies, includ-  
15 ing—

16 “(1) within the judiciary and prosecutorial  
17 agencies; or

18 “(2) with the local corrections agencies, which  
19 shall be documented by a written agreement that de-  
20 tails the terms of access to facilities and participants  
21 and provides information on the history of the orga-  
22 nization of working with correctional populations.”;  
23 and

24 (3) by striking section 2926(a) and inserting  
25 the following:

1       “(a) IN GENERAL.—There are authorized to be ap-  
2       propriated to carry out this part \$10,000,000 for each of  
3       fiscal years 2019 through 2023.”.

4       (c) GRANT PROGRAM TO EVALUATE AND IMPROVE  
5       EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVE-  
6       NILE FACILITIES.—Title I of the Omnibus Crime Control  
7       and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.)  
8       is amended—

9               (1) by striking the second part designated as  
10       part JJ, as added by the Second Chance Act of  
11       2007 (Public Law 110–199; 122 Stat. 677), relating  
12       to grants to evaluate and improve educational meth-  
13       ods at prisons, jails, and juvenile facilities;

14              (2) by adding at the end the following:

15       **“PART NN—GRANT PROGRAM TO EVALUATE AND**  
16       **IMPROVE EDUCATIONAL METHODS AT PRIS-**  
17       **ONS, JAILS, AND JUVENILE FACILITIES**

18       **“SEC. 3041. GRANT PROGRAM TO EVALUATE AND IMPROVE**  
19                       **EDUCATIONAL METHODS AT PRISONS, JAILS,**  
20                       **AND JUVENILE FACILITIES.**

21       “(a) GRANT PROGRAM AUTHORIZED.—The Attorney  
22       General may carry out a grant program under which the  
23       Attorney General may make grants to States, units of  
24       local government, territories, Indian Tribes, and other  
25       public and private entities to—

1           “(1) evaluate methods to improve academic and  
2           vocational education for offenders in prisons, jails,  
3           and juvenile facilities;

4           “(2) identify, and make recommendations to the  
5           Attorney General regarding, best practices relating  
6           to academic and vocational education for offenders  
7           in prisons, jails, and juvenile facilities, based on the  
8           evaluation under paragraph (1);

9           “(3) improve the academic and vocational edu-  
10          cation programs (including technology career train-  
11          ing) available to offenders in prisons, jails, and juve-  
12          nile facilities; and

13          “(4) implement methods to improve academic  
14          and vocational education for offenders in prisons,  
15          jails, and juvenile facilities consistent with the best  
16          practices identified in subsection (c).

17          “(b) APPLICATION.—To be eligible for a grant under  
18          this part, a State or other entity described in subsection  
19          (a) shall submit to the Attorney General an application  
20          in such form and manner, at such time, and accompanied  
21          by such information as the Attorney General specifies.

22          “(c) BEST PRACTICES.—Not later than 180 days  
23          after the date of enactment of the Second Chance Reau-  
24          thorization Act of 2018, the Attorney General shall iden-  
25          tify and publish best practices relating to academic and

1 vocational education for offenders in prisons, jails, and ju-  
2 venile facilities. The best practices shall consider the eval-  
3 uations performed and recommendations made under  
4 grants made under subsection (a) before the date of enact-  
5 ment of the Second Chance Reauthorization Act of 2018.

6 “(d) REPORT.—Not later than 90 days after the last  
7 day of the final fiscal year of a grant under this part,  
8 each entity described in subsection (a) receiving such a  
9 grant shall submit to the Attorney General a detailed re-  
10 port of the progress made by the entity using such grant,  
11 to permit the Attorney General to evaluate and improve  
12 academic and vocational education methods carried out  
13 with grants under this part.”; and

14 (3) in section 1001(a) of part J of title I of the  
15 Omnibus Crime Control and Safe Streets Act of  
16 1968 (34 U.S.C. 10261(a)), by adding at the end  
17 the following:

18 “(28) There are authorized to be appropriated  
19 to carry out section 3031(a)(4) of part NN  
20 \$5,000,000 for each of fiscal years 2019, 2020,  
21 2021, 2022, and 2023.”.

22 (d) CAREERS TRAINING DEMONSTRATION  
23 GRANTS.—Section 115 of the Second Chance Act of 2007  
24 (34 U.S.C. 60511) is amended—

1 (1) in the heading, by striking “**TECHNOLOGY**  
2 **CAREERS**” and inserting “**CAREERS**”;

3 (2) in subsection (a)—

4 (A) by striking “and Indian” and inserting  
5 “nonprofit organizations, and Indian”; and

6 (B) by striking “technology career training  
7 to prisoners” and inserting “career training, in-  
8 cluding subsidized employment, when part of a  
9 training program, to prisoners and reentering  
10 youth and adults”;

11 (3) in subsection (b)—

12 (A) by striking “technology careers train-  
13 ing”;

14 (B) by striking “technology-based”; and

15 (C) by inserting “, as well as upon transi-  
16 tion and reentry into the community” after “fa-  
17 cility”;

18 (4) by striking subsection (e);

19 (5) by redesignating subsections (c) and (d) as  
20 subsections (d) and (e), respectively;

21 (6) by inserting after subsection (b) the fol-  
22 lowing:

23 “(c) PRIORITY CONSIDERATION.—Priority consider-  
24 ation shall be given to any application under this section  
25 that—



1           “(1) provides assessment of local demand for  
2           employees in the geographic areas to which offenders  
3           are likely to return;

4           “(2) conducts individualized reentry career  
5           planning upon the start of incarceration or post-re-  
6           lease employment planning for each offender served  
7           under the grant;

8           “(3) demonstrates connections to employers  
9           within the local community; or

10          “(4) tracks and monitors employment out-  
11          comes.”; and

12          (7) by adding at the end the following:

13          “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
14          are authorized to be appropriated to carry out this section  
15          \$10,000,000 for each of fiscal years 2019, 2020, 2021,  
16          2022, and 2023.”.

17          (e) OFFENDER REENTRY SUBSTANCE ABUSE AND  
18          CRIMINAL JUSTICE COLLABORATION PROGRAM.—Section  
19          201(f)(1) of the Second Chance Act of 2007 (34 U.S.C.  
20          60521(f)(1)) is amended to read as follows:

21          “(1) IN GENERAL.—There are authorized to be  
22          appropriated to carry out this section \$15,000,000  
23          for each of fiscal years 2019 through 2023.”.

1 (f) COMMUNITY-BASED MENTORING AND TRANSI-  
2 TIONAL SERVICE GRANTS TO NONPROFIT ORGANIZA-  
3 TIONS.—

4 (1) IN GENERAL.—Section 211 of the Second  
5 Chance Act of 2007 (34 U.S.C. 60531) is amend-  
6 ed—

7 (A) in the header, by striking “**MEN-**  
8 **TORING GRANTS TO NONPROFIT ORGANI-**  
9 **ZATIONS**” and inserting “**COMMUNITY-**  
10 **BASED MENTORING AND TRANSITIONAL**  
11 **SERVICE GRANTS TO NONPROFIT ORGANI-**  
12 **ZATIONS**”;

13 (B) in subsection (a), by striking “men-  
14 toring and other”;

15 (C) in subsection (b), by striking para-  
16 graph (2) and inserting the following:

17 “(2) transitional services to assist in the re-  
18 integration of offenders into the community, includ-  
19 ing—

20 “(A) educational, literacy, and vocational,  
21 services and the Transitional Jobs strategy;

22 “(B) substance abuse treatment and serv-  
23 ices;

1 “(C) coordinated supervision and services  
2 for offenders, including physical health care and  
3 comprehensive housing and mental health care;

4 “(D) family services; and

5 “(E) validated assessment tools to assess  
6 the risk factors of returning inmates; and”; and

7 (D) in subsection (f), by striking “this sec-  
8 tion” and all that follows and inserting the fol-  
9 lowing: “this section \$15,000,000 for each of  
10 fiscal years 2019 through 2023.”.

11 (2) TABLE OF CONTENTS AMENDMENT.—The  
12 table of contents in section 2 of the Second Chance  
13 Act of 2007 (Public Law 110–199; 122 Stat. 657)  
14 is amended by striking the item relating to section  
15 211 and inserting the following:

“Sec. 211. Community-based mentoring and transitional service grants.”.

16 (g) DEFINITIONS.—

17 (1) IN GENERAL.—Section 4 of the Second  
18 Chance Act of 2007 (34 U.S.C. 60502) is amended  
19 to read as follows:

20 **“SEC. 4. DEFINITIONS.**

21 “In this Act—

22 “(1) the term ‘exoneree’ means an individual  
23 who—

1           “(A) has been convicted of a Federal, trib-  
2           al, or State offense that is punishable by a term  
3           of imprisonment of more than 1 year;

4           “(B) has served a term of imprisonment  
5           for not less than 6 months in a Federal, tribal,  
6           or State prison or correctional facility as a re-  
7           sult of the conviction described in subparagraph  
8           (A); and

9           “(C) has been determined to be factually  
10          innocent of the offense described in subpara-  
11          graph (A);

12          “(2) the term ‘Indian tribe’ has the meaning  
13          given in section 901 of title I of the Omnibus Crime  
14          Control and Safe Streets Act of 1968 (34 U.S.C.  
15          10251);

16          “(3) the term ‘offender’ includes an exoneree;  
17          and

18          “(4) the term ‘Transitional Jobs strategy’  
19          means an employment strategy for youth and adults  
20          who are chronically unemployed or those that have  
21          barriers to employment that—

22          “(A) is conducted by State, tribal, and  
23          local governments, State, tribal, and local work-  
24          force boards, and nonprofit organizations;

1           “(B) provides time-limited employment  
2           using individual placements, team placements,  
3           and social enterprise placements, without dis-  
4           placing existing employees;

5           “(C) pays wages in accordance with appli-  
6           cable law, but in no event less than the higher  
7           of the rate specified in section 6(a)(1) of the  
8           Fair Labor Standards Act of 1938 (29 U.S.C.  
9           206(a)(1)) or the applicable State or local min-  
10          imum wage law, which are subsidized, in whole  
11          or in part, by public funds;

12          “(D) combines time-limited employment  
13          with activities that promote skill development,  
14          remove barriers to employment, and lead to un-  
15          subsidized employment such as a thorough ori-  
16          entation and individual assessment, job readi-  
17          ness and life skills training, case management  
18          and supportive services, adult education and  
19          training, child support-related services, job re-  
20          tention support and incentives, and other simi-  
21          lar activities;

22          “(E) places participants into unsubsidized  
23          employment; and

24          “(F) provides job retention, re-employment  
25          services, and continuing and vocational edu-

1 cation to ensure continuing participation in un-  
2 subsidized employment and identification of op-  
3 portunities for advancement.”.

4 (2) TABLE OF CONTENTS AMENDMENT.—The  
5 table of contents in section 2 of the Second Chance  
6 Act of 2007 (Public Law 110–199; 122 Stat. 657)  
7 is amended by striking the item relating to section  
8 4 and inserting the following:

“Sec. 4. Definitions.”.

9 (h) EXTENSION OF THE LENGTH OF SECTION 2976  
10 GRANTS.—Section 6(1) of the Second Chance Act of 2007  
11 (34 U.S.C. 60504(1)) is amended by inserting “or under  
12 section 2976 of the Omnibus Crime Control and Safe  
13 Streets Act of 1968 (34 U.S.C. 10631)” after “and 212”.

14 **SEC. 503. AUDIT AND ACCOUNTABILITY OF GRANTEEES.**

15 (a) DEFINITIONS.—In this section—

16 (1) the term “covered grant program” means  
17 grants awarded under section 115, 201, or 211 of  
18 the Second Chance Act of 2007 (34 U.S.C. 60511,  
19 60521, and 60531), as amended by this title;

20 (2) the term “covered grantee” means a recipi-  
21 ent of a grant from a covered grant program;

22 (3) the term “nonprofit”, when used with re-  
23 spect to an organization, means an organization that  
24 is described in section 501(c)(3) of the Internal Rev-

1        enue Code of 1986, and is exempt from taxation  
2        under section 501(a) of such Code; and

3            (4) the term “unresolved audit finding” means  
4        an audit report finding in a final audit report of the  
5        Inspector General of the Department of Justice that  
6        a covered grantee has used grant funds awarded to  
7        that grantee under a covered grant program for an  
8        unauthorized expenditure or otherwise unallowable  
9        cost that is not closed or resolved during a 12-month  
10       period prior to the date on which the final audit re-  
11       port is issued.

12       (b) AUDIT REQUIREMENT.—Beginning in fiscal year  
13 2019, and annually thereafter, the Inspector General of  
14 the Department of Justice shall conduct audits of covered  
15 grantees to prevent waste, fraud, and abuse of funds  
16 awarded under covered grant programs. The Inspector  
17 General shall determine the appropriate number of cov-  
18 ered grantees to be audited each year.

19       (c) MANDATORY EXCLUSION.—A grantee that is  
20 found to have an unresolved audit finding under an audit  
21 conducted under subsection (b) may not receive grant  
22 funds under a covered grant program in the fiscal year  
23 following the fiscal year to which the finding relates.

24       (d) REIMBURSEMENT.—If a covered grantee is  
25 awarded funds under the covered grant program from

1 which it received a grant award during the 1-fiscal-year  
2 period during which the covered grantee is ineligible for  
3 an allocation of grant funds under subsection (c), the At-  
4 torney General shall—

5 (1) deposit into the General Fund of the Treas-  
6 ury an amount that is equal to the amount of the  
7 grant funds that were improperly awarded to the  
8 covered grantee; and

9 (2) seek to recoup the costs of the repayment  
10 to the Fund from the covered grantee that was im-  
11 properly awarded the grant funds.

12 (e) PRIORITY OF GRANT AWARDS.—The Attorney  
13 General, in awarding grants under a covered grant pro-  
14 gram shall give priority to eligible entities that during the  
15 2-year period preceding the application for a grant have  
16 not been found to have an unresolved audit finding.

17 (f) NONPROFIT REQUIREMENTS.—

18 (1) PROHIBITION.—A nonprofit organization  
19 that holds money in offshore accounts for the pur-  
20 pose of avoiding the tax described in section 511(a)  
21 of the Internal Revenue Code of 1986, shall not be  
22 eligible to receive, directly or indirectly, any funds  
23 from a covered grant program.

24 (2) DISCLOSURE.—Each nonprofit organization  
25 that is a covered grantee shall disclose in its applica-



1       tion for such a grant, as a condition of receipt of  
2       such a grant, the compensation of its officers, direc-  
3       tors, and trustees. Such disclosure shall include a  
4       description of the criteria relied on to determine  
5       such compensation.

6       (g) PROHIBITION ON LOBBYING ACTIVITY.—

7           (1) IN GENERAL.—Amounts made available  
8       under a covered grant program may not be used by  
9       any covered grantee to—

10           (A) lobby any representative of the Depart-  
11       ment of Justice regarding the award of grant  
12       funding; or

13           (B) lobby any representative of the Federal  
14       Government or a State, local, or tribal govern-  
15       ment regarding the award of grant funding.

16       (2) PENALTY.—If the Attorney General deter-  
17       mines that a covered grantee has violated paragraph  
18       (1), the Attorney General shall—

19           (A) require the covered grantee to repay  
20       the grant in full; and

21           (B) prohibit the covered grantee from re-  
22       ceiving a grant under the covered grant pro-  
23       gram from which it received a grant award dur-  
24       ing at least the 5-year period beginning on the  
25       date of such violation.

1 **SEC. 504. FEDERAL REENTRY IMPROVEMENTS.**

2 (a) RESPONSIBLE REINTEGRATION OF OFFEND-  
3 ERS.—Section 212 of the Second Chance Act of 2007 (34  
4 U.S.C. 60532) is repealed.

5 (b) FEDERAL PRISONER REENTRY INITIATIVE.—  
6 Section 231 of the Second Chance Act of 2007 (434  
7 U.S.C. 60541) is amended—

8 (1) in subsection (g)—

9 (A) in paragraph (3), by striking “carried  
10 out during fiscal years 2009 and 2010” and in-  
11 serting “carried out during fiscal years 2019  
12 through 2023”; and

13 (B) in paragraph (5)(A)(ii), by striking  
14 “the greater of 10 years or”;

15 (2) by striking subsection (h);

16 (3) by redesignating subsection (i) as subsection  
17 (h); and

18 (4) in subsection (h), as so redesignated, by  
19 striking “2009 and 2010” and inserting “2019  
20 through 2023”.

21 (c) ENHANCING REPORTING REQUIREMENTS PER-  
22 TAINING TO COMMUNITY CORRECTIONS.—Section 3624(c)  
23 of title 18, United States Code, is amended—

24 (1) in paragraph (5), in the second sentence, by  
25 inserting “, and number of prisoners not being  
26 placed in community corrections facilities for each

1 reason set forth” before “, and any other informa-  
2 tion”; and

3 (2) in paragraph (6), by striking “the Second  
4 Chance Act of 2007” and inserting “the Second  
5 Chance Reauthorization Act of 2018”.

6 (d) TERMINATION OF STUDY ON EFFECTIVENESS OF  
7 DEPOT NALTREXONE FOR HEROIN ADDICTION.—Section  
8 244 of the Second Chance Act of 2007 (34 U.S.C. 60554)  
9 is repealed.

10 (e) AUTHORIZATION OF APPROPRIATIONS FOR RE-  
11 SEARCH.—Section 245 of the Second Chance Act of 2007  
12 (34 U.S.C. 60555) is amended—

13 (1) by striking “243, and 244” and inserting  
14 “and 243”; and

15 (2) by striking “\$10,000,000 for each of the  
16 fiscal years 2009 and 2010” and inserting  
17 “\$5,000,000 for each of the fiscal years 2019, 2020,  
18 2021, 2022, and 2023”.

19 (f) FEDERAL PRISONER RECIDIVISM REDUCTION  
20 PROGRAMMING ENHANCEMENT.—

21 (1) IN GENERAL.—Section 3621 of title 18,  
22 United States Code, as amended by section 102(a)  
23 of this Act, is amended—

24 (A) by redesignating subsection (g) as sub-  
25 section (i); and

1 (B) by inserting after subsection (f) the  
2 following:

3 “(g) PARTNERSHIPS TO EXPAND ACCESS TO RE-  
4 ENTRY PROGRAMS PROVEN TO REDUCE RECIDIVISM.—

5 “(1) DEFINITION.—The term ‘demonstrated to  
6 reduce recidivism’ means that the Director of Bu-  
7 reau of Prisons has determined that appropriate re-  
8 search has been conducted and has validated the ef-  
9 fectiveness of the type of program on recidivism.

10 “(2) ELIGIBILITY FOR RECIDIVISM REDUCTION  
11 PARTNERSHIP.—A faith-based or community-based  
12 nonprofit organization that provides mentoring or  
13 other programs that have been demonstrated to re-  
14 duce recidivism is eligible to enter into a recidivism  
15 reduction partnership with a prison or community-  
16 based facility operated by the Bureau of Prisons.

17 “(3) RECIDIVISM REDUCTION PARTNERSHIPS.—  
18 The Director of the Bureau of Prisons shall develop  
19 policies to require wardens of prisons and commu-  
20 nity-based facilities to enter into recidivism reduc-  
21 tion partnerships with faith-based and community-  
22 based nonprofit organizations that are willing to pro-  
23 vide, on a volunteer basis, programs described in  
24 paragraph (2).

1           “(4) REPORTING REQUIREMENT.—The Director  
2           of the Bureau of Prisons shall submit to Congress  
3           an annual report on the last day of each fiscal year  
4           that—

5                   “(A) details, for each prison and commu-  
6                   nity-based facility for the fiscal year just  
7                   ended—

8                           “(i) the number of recidivism reduc-  
9                           tion partnerships under this section that  
10                          were in effect;

11                           “(ii) the number of volunteers that  
12                           provided recidivism reduction program-  
13                           ming; and

14                           “(iii) the number of recidivism reduc-  
15                           tion programming hours provided; and

16                   “(B) explains any disparities between fa-  
17                   cilities in the numbers reported under subpara-  
18                   graph (A).”.

19           (2) EFFECTIVE DATE.—The amendments made  
20           by paragraph (1) shall take effect 180 days after the  
21           date of enactment of this Act.

22           (g) REPEALS.—

23                   (1) Section 2978 of title I of the Omnibus  
24                   Crime Control and Safe Streets Act of 1968 (34  
25                   U.S.C. 10633) is repealed.

1           (2) Part CC of title I of the Omnibus Crime  
2       Control and Safe Streets Act of 1968 (34 U.S.C.  
3       10581 et seq.) is repealed.

4   **SEC. 505. FEDERAL INTERAGENCY REENTRY COORDINA-**  
5                   **TION.**

6       (a) REENTRY COORDINATION.—The Attorney Gen-  
7   eral, in consultation with the Secretary of Housing and  
8   Urban Development, the Secretary of Labor, the Secretary  
9   of Education, the Secretary of Health and Human Serv-  
10   ices, the Secretary of Veterans Affairs, the Secretary of  
11   Agriculture, and the heads of such other agencies of the  
12   Federal Government as the Attorney General considers  
13   appropriate, and in collaboration with interested persons,  
14   service providers, nonprofit organizations, and State, trib-  
15   al, and local governments, shall coordinate on Federal pro-  
16   grams, policies, and activities relating to the reentry of  
17   individuals returning from incarceration to the commu-  
18   nity, with an emphasis on evidence-based practices and  
19   protection against duplication of services.

20       (b) REPORT.—Not later than 2 years after the date  
21   of the enactment of this Act, the Attorney General, in con-  
22   sultation with the Secretaries listed in subsection (a), shall  
23   submit to Congress a report summarizing the achieve-  
24   ments under subsection (a), and including recommenda-

1 tions for Congress that would further reduce barriers to  
2 successful reentry.

3 **SEC. 506. CONFERENCE EXPENDITURES.**

4 (a) LIMITATION.—No amounts authorized to be ap-  
5 propriated to the Department of Justice under this title,  
6 or any amendments made by this title, may be used by  
7 the Attorney General, or by any individual or organization  
8 awarded discretionary funds under this title, or any  
9 amendments made by this title, to host or support any  
10 expenditure for conferences that uses more than \$20,000  
11 in Department funds, unless the Deputy Attorney General  
12 or such Assistant Attorney Generals, Directors, or prin-  
13 cipal deputies as the Deputy Attorney General may des-  
14 ignate, provides prior written authorization that the funds  
15 may be expended to host a conference. A conference that  
16 uses more than \$20,000 in such funds, but less than an  
17 average of \$500 in such funds for each attendee of the  
18 conference, shall not be subject to the limitations of this  
19 section.

20 (b) WRITTEN APPROVAL.—Written approval under  
21 subsection (a) shall include a written estimate of all costs  
22 associated with the conference, including the cost of all  
23 food and beverages, audiovisual equipment, honoraria for  
24 speakers, and any entertainment.

1       (c) REPORT.—The Deputy Attorney General shall  
2 submit an annual report to the Committee on the Judici-  
3 ary of the Senate and the Committee on the Judiciary of  
4 the House of Representatives on all approved conference  
5 expenditures referenced in this section.

6 **SEC. 507. EVALUATION OF THE SECOND CHANCE ACT PRO-**  
7 **GRAM.**

8       (a) EVALUATION OF THE SECOND CHANCE ACT  
9 GRANT PROGRAM.—Not later than 5 years after the date  
10 of enactment of this Act, the National Institute of Justice  
11 shall evaluate the effectiveness of grants used by the De-  
12 partment of Justice to support offender reentry and recidi-  
13 vism reduction programs at the State, local, Tribal, and  
14 Federal levels. The National Institute of Justice shall  
15 evaluate the following:

16           (1) The effectiveness of such programs in rela-  
17 tion to their cost, including the extent to which the  
18 programs improve reentry outcomes, including em-  
19 ployment, education, housing, reductions in recidi-  
20 vism, of participants in comparison to comparably  
21 situated individuals who did not participate in such  
22 programs and activities.

23           (2) The effectiveness of program structures and  
24 mechanisms for delivery of services.



1           (3) The impact of such programs on the com-  
2           munities and participants involved.

3           (4) The impact of such programs on related  
4           programs and activities.

5           (5) The extent to which such programs meet  
6           the needs of various demographic groups.

7           (6) The quality and effectiveness of technical  
8           assistance provided by the Department of Justice to  
9           grantees for implementing such programs.

10          (7) Such other factors as may be appropriate.

11          (b) AUTHORIZATION OF FUNDS FOR EVALUATION.—

12 Not more than 1 percent of any amounts authorized to  
13 be appropriated to carry out the Second Chance Act grant  
14 program shall be made available to the National Institute  
15 of Justice each year to evaluate the processes, implemen-  
16 tation, outcomes, costs, and effectiveness of the Second  
17 Chance Act grant program in improving reentry and re-  
18 ducing recidivism. Such funding may be used to provide  
19 support to grantees for supplemental data collection, anal-  
20 ysis, and coordination associated with evaluation activities.

21          (c) TECHNIQUES.—Evaluations conducted under this  
22 section shall use appropriate methodology and research  
23 designs. Impact evaluations conducted under this section  
24 shall include the use of intervention and control groups

1 chosen by random assignment methods, to the extent pos-  
2 sible.

3 (d) METRICS AND OUTCOMES FOR EVALUATION.—

4 (1) IN GENERAL.—Not later than 180 days  
5 after the date of enactment of this Act, the National  
6 Institute of Justice shall consult with relevant stake-  
7 holders and identify outcome measures, including  
8 employment, housing, education, and public safety,  
9 that are to be achieved by programs authorized  
10 under the Second Chance Act grant program and  
11 the metrics by which the achievement of such out-  
12 comes shall be determined.

13 (2) PUBLICATION.—Not later than 30 days  
14 after the date on which the National Institute of  
15 Justice identifies metrics and outcomes under para-  
16 graph (1), the Attorney General shall publish such  
17 metrics and outcomes identified.

18 (e) DATA COLLECTION.—As a condition of award  
19 under the Second Chance Act grant program (including  
20 a subaward under section 3021(b) of title I of the Omni-  
21 bus Crime Control and Safe Streets Act of 1968 (34  
22 U.S.C. 10701(b))), grantees shall be required to collect  
23 and report to the Department of Justice data based upon  
24 the metrics identified under subsection (d). In accordance  
25 with applicable law, collection of individual-level data

1 under a pledge of confidentiality shall be protected by the  
2 National Institute of Justice in accordance with such  
3 pledge.

4 (f) DATA ACCESSIBILITY.—Not later than 5 years  
5 after the date of enactment of this Act, the National Insti-  
6 tute of Justice shall—

7 (1) make data collected during the course of  
8 evaluation under this section available in de-identi-  
9 fied form in such a manner that reasonably protects  
10 a pledge of confidentiality to participants under sub-  
11 section (e); and

12 (2) make identifiable data collected during the  
13 course of evaluation under this section available to  
14 qualified researchers for future research and evalua-  
15 tion, in accordance with applicable law.

16 (g) PUBLICATION AND REPORTING OF EVALUATION  
17 FINDINGS.—The National Institute of Justice shall—

18 (1) not later than 365 days after the date on  
19 which the enrollment of participants in an impact  
20 evaluation is completed, publish an interim report on  
21 such evaluation;

22 (2) not later than 90 days after the date on  
23 which any evaluation is completed, publish and make  
24 publicly available such evaluation; and

1           (3) not later than 60 days after the completion  
2           date described in paragraph (2), submit a report to  
3           the Committee on the Judiciary of the House of  
4           Representatives and the Committee on the Judiciary  
5           of the Senate on such evaluation.

6           (h) SECOND CHANCE ACT GRANT PROGRAM DE-  
7   FINED.—In this section, the term “Second Chance Act  
8   grant program” means any grant program reauthorized  
9   under this title and the amendments made by this title.

10   **SEC. 508. GAO REVIEW.**

11           Not later than 3 years after the date of enactment  
12   of the First Step Act of 2018 the Comptroller General  
13   of the United States shall conduct a review of all of the  
14   grant awards made under this title and amendments made  
15   by this title that includes—

16           (1) an evaluation of the effectiveness of the re-  
17   entry programs funded by grant awards under this  
18   title and amendments made by this title at reducing  
19   recidivism, including a determination of which re-  
20   entry programs were most effective;

21           (2) recommendations on how to improve the ef-  
22   fectiveness of reentry programs, including those for  
23   which prisoners may earn time credits under the  
24   First Step Act of 2018; and

1           (3) an evaluation of the effectiveness of mental  
2       health services, drug treatment, medical care, job  
3       training and placement, educational services, and vo-  
4       cational services programs funded under this title  
5       and amendments made by this title.

6       **TITLE VI—MISCELLANEOUS**  
7       **CRIMINAL JUSTICE**

8       **SEC. 601. PLACEMENT OF PRISONERS CLOSE TO FAMILIES.**

9       Section 3621(b) of title 18, United States Code, is  
10      amended—

11           (1) by striking “shall designate the place of the  
12       prisoner’s imprisonment.” and inserting “shall des-  
13       ignate the place of the prisoner’s imprisonment, and  
14       shall, subject to bed availability, the prisoner’s secu-  
15       rity designation, the prisoner’s programmatic needs,  
16       the prisoner’s mental and medical health needs, any  
17       request made by the prisoner related to faith-based  
18       needs, recommendations of the sentencing court, and  
19       other security concerns of the Bureau of Prisons,  
20       place the prisoner in a facility as close as practicable  
21       to the prisoner’s primary residence, and to the ex-  
22       tent practicable, in a facility within 500 driving  
23       miles of that residence. The Bureau shall, subject to  
24       consideration of the factors described in the pre-  
25       ceding sentence and the prisoner’s preference for

1 staying at his or her current facility or being trans-  
2 ferred, transfer prisoners to facilities that are closer  
3 to the prisoner's primary residence even if the pris-  
4 oner is already in a facility within 500 driving miles  
5 of that residence.”; and

6 (2) by adding at the end the following: “Not-  
7 withstanding any other provision of law, a designa-  
8 tion of a place of imprisonment under this sub-  
9 section is not reviewable by any court.”.

10 **SEC. 602. HOME CONFINEMENT FOR LOW-RISK PRISONERS.**

11 Section 3624(c)(2) of title 18, United States Code,  
12 is amended by adding at the end the following: “The Bu-  
13 reau of Prisons shall, to the extent practicable, place pris-  
14 oners with lower risk levels and lower needs on home con-  
15 finement for the maximum amount of time permitted  
16 under this paragraph.”.

17 **SEC. 603. FEDERAL PRISONER REENTRY INITIATIVE REAU-**

18 **THORIZATION; MODIFICATION OF IMPOSED**

19 **TERM OF IMPRISONMENT.**

20 (a) **FEDERAL PRISONER REENTRY INITIATIVE RE-**  
21 **AUTHORIZATION.**—Section 231(g) of the Second Chance  
22 Act of 2007 (34 U.S.C. 60541(g)) is amended—

23 (1) in paragraph (1)—

1 (A) by inserting “and eligible terminally ill  
2 offenders” after “elderly offenders” each place  
3 the term appears;

4 (B) in subparagraph (A), by striking “a  
5 Bureau of Prisons facility” and inserting “Bu-  
6 reau of Prisons facilities”;

7 (C) in subparagraph (B)—

8 (i) by striking “the Bureau of Prisons  
9 facility” and inserting “Bureau of Prisons  
10 facilities”; and

11 (ii) by inserting “, upon written re-  
12 quest from either the Bureau of Prisons or  
13 an eligible elderly offender or eligible ter-  
14 minally ill offender” after “to home deten-  
15 tion”; and

16 (D) in subparagraph (C), by striking “the  
17 Bureau of Prisons facility” and inserting “Bu-  
18 reau of Prisons facilities”;

19 (2) in paragraph (2), by inserting “or eligible  
20 terminally ill offender” after “elderly offender”;

21 (3) in paragraph (3), as amended by section  
22 504(b)(1)(A) of this Act, by striking “at least one  
23 Bureau of Prisons facility” and inserting “Bureau of  
24 Prisons facilities”; and

25 (4) in paragraph (4)—

1 (A) by inserting “or eligible terminally ill  
2 offender” after “each eligible elderly offender”;  
3 and

4 (B) by inserting “and eligible terminally ill  
5 offenders” after “eligible elderly offenders”;  
6 and

7 (5) in paragraph (5)—

8 (A) in subparagraph (A)—

9 (i) in clause (i), striking “65 years of  
10 age” and inserting “60 years of age”; and

11 (ii) in clause (ii), as amended by sec-  
12 tion 504(b)(1)(B) of this Act, by striking  
13 “75 percent” and inserting “ $\frac{2}{3}$ ”; and

14 (B) by adding at the end the following:

15 “(D) ELIGIBLE TERMINALLY ILL OF-  
16 FENDER.—The term ‘eligible terminally ill of-  
17 fender’ means an offender in the custody of the  
18 Bureau of Prisons who—

19 “(i) is serving a term of imprisonment  
20 based on conviction for an offense or of-  
21 fenses that do not include any crime of vio-  
22 lence (as defined in section 16(a) of title  
23 18, United States Code), sex offense (as  
24 defined in section 111(5) of the Sex Of-  
25 fender Registration and Notification Act



1 (34 U.S.C. 20911(5))), offense described  
2 in section 2332b(g)(5)(B) of title 18,  
3 United States Code, or offense under chap-  
4 ter 37 of title 18, United States Code;

5 “(ii) satisfies the criteria specified in  
6 clauses (iii) through (vii) of subparagraph  
7 (A); and

8 “(iii) has been determined by a med-  
9 ical doctor approved by the Bureau of  
10 Prisons to be—

11 “(I) in need of care at a nursing  
12 home, intermediate care facility, or  
13 assisted living facility, as those terms  
14 are defined in section 232 of the Na-  
15 tional Housing Act (12 U.S.C.  
16 1715w); or

17 “(II) diagnosed with a terminal  
18 illness.”.

19 (b) INCREASING THE USE AND TRANSPARENCY OF  
20 COMPASSIONATE RELEASE.—Section 3582 of title 18,  
21 United States Code, is amended—

22 (1) in subsection (c)(1)(A), in the matter pre-  
23 ceding clause (i), by inserting after “Bureau of Pris-  
24 ons,” the following: “or upon motion of the defend-  
25 ant after the defendant has fully exhausted all ad-

1        ministrative rights to appeal a failure of the Bureau  
2        of Prisons to bring a motion on the defendant's be-  
3        half or the lapse of 30 days from the receipt of such  
4        a request by the warden of the defendant's facility,  
5        whichever is earlier,";

6            (2) by redesignating subsection (d) as sub-  
7        section (e); and

8            (3) by inserting after subsection (c) the fol-  
9        lowing:

10        “(d) NOTIFICATION REQUIREMENTS.—

11            “(1) TERMINAL ILLNESS DEFINED.—In this  
12        subsection, the term ‘terminal illness’ means a dis-  
13        ease or condition with an end-of-life trajectory.

14            “(2) NOTIFICATION.—The Bureau of Prisons  
15        shall, subject to any applicable confidentiality re-  
16        quirements—

17            “(A) in the case of a defendant diagnosed  
18        with a terminal illness—

19            “(i) not later than 72 hours after the  
20        diagnosis notify the defendant's attorney,  
21        partner, and family members of the de-  
22        fendant's condition and inform the defend-  
23        ant's attorney, partner, and family mem-  
24        bers that they may prepare and submit on  
25        the defendant's behalf a request for a sen-

1           tence reduction pursuant to subsection  
2           (c)(1)(A);

3           “(ii) not later than 7 days after the  
4           date of the diagnosis, provide the defend-  
5           ant’s partner and family members (includ-  
6           ing extended family) with an opportunity  
7           to visit the defendant in person;

8           “(iii) upon request from the defendant  
9           or his attorney, partner, or a family mem-  
10          ber, ensure that Bureau of Prisons employ-  
11          ees assist the defendant in the preparation,  
12          drafting, and submission of a request for a  
13          sentence reduction pursuant to subsection  
14          (c)(1)(A); and

15          “(iv) not later than 14 days of receipt  
16          of a request for a sentence reduction sub-  
17          mitted on the defendant’s behalf by the de-  
18          fendant or the defendant’s attorney, part-  
19          ner, or family member, process the re-  
20          quest;

21          “(B) in the case of a defendant who is  
22          physically or mentally unable to submit a re-  
23          quest for a sentence reduction pursuant to sub-  
24          section (c)(1)(A)—

1           “(i) inform the defendant’s attorney,  
2           partner, and family members that they  
3           may prepare and submit on the defend-  
4           ant’s behalf a request for a sentence reduc-  
5           tion pursuant to subsection (c)(1)(A);

6           “(ii) accept and process a request for  
7           sentence reduction that has been prepared  
8           and submitted on the defendant’s behalf by  
9           the defendant’s attorney, partner, or fam-  
10          ily member under clause (i); and

11          “(iii) upon request from the defendant  
12          or his attorney, partner, or family member,  
13          ensure that Bureau of Prisons employees  
14          assist the defendant in the preparation,  
15          drafting, and submission of a request for a  
16          sentence reduction pursuant to subsection  
17          (c)(1)(A); and

18          “(C) ensure that all Bureau of Prisons fa-  
19          cilities regularly and visibly post, including in  
20          prisoner handbooks, staff training materials,  
21          and facility law libraries and medical and hos-  
22          pice facilities, and make available to prisoners  
23          upon demand, notice of—

1 “(i) a defendant’s ability to request a  
2 sentence reduction pursuant to subsection  
3 (c)(1)(A);

4 “(ii) the procedures and timelines for  
5 initiating and resolving requests described  
6 in clause (i); and

7 “(iii) the right to appeal a denial of a  
8 request described in clause (i) after all ad-  
9 ministrative rights to appeal within the  
10 Bureau of Prisons have been exhausted.

11 “(3) ANNUAL REPORT.—Not later than 1 year  
12 after the date of enactment of this subsection, and  
13 once every year thereafter, the Director of the Bu-  
14 reau of Prisons shall submit to the Committee on  
15 the Judiciary of the Senate and the Committee on  
16 the Judiciary of the House of Representatives a re-  
17 port on requests for sentence reductions pursuant to  
18 subsection (c)(1)(A), which shall include a descrip-  
19 tion of, for the previous year—

20 “(A) the number of prisoners granted and  
21 denied sentence reductions, categorized by the  
22 criteria relied on as the grounds for a reduction  
23 in sentence;

24 “(B) the number of requests initiated by  
25 or on behalf of prisoners, categorized by the cri-

1           teria relied on as the grounds for a reduction  
2           in sentence;

3           “(C) the number of requests that Bureau  
4           of Prisons employees assisted prisoners in  
5           drafting, preparing, or submitting, categorized  
6           by the criteria relied on as the grounds for a re-  
7           duction in sentence, and the final decision made  
8           in each request;

9           “(D) the number of requests that attor-  
10          neys, partners, or family members submitted on  
11          a defendant’s behalf, categorized by the criteria  
12          relied on as the grounds for a reduction in sen-  
13          tence, and the final decision made in each re-  
14          quest;

15          “(E) the number of requests approved by  
16          the Director of the Bureau of Prisons, cat-  
17          egorized by the criteria relied on as the grounds  
18          for a reduction in sentence;

19          “(F) the number of requests denied by the  
20          Director of the Bureau of Prisons and the rea-  
21          sons given for each denial, categorized by the  
22          criteria relied on as the grounds for a reduction  
23          in sentence;

24          “(G) for each request, the time elapsed be-  
25          tween the date the request was received by the

1 warden and the final decision, categorized by  
2 the criteria relied on as the grounds for a re-  
3 duction in sentence;

4 “(H) for each request, the number of pris-  
5 oners who died while their request was pending  
6 and, for each, the amount of time that had  
7 elapsed between the date the request was re-  
8 ceived by the Bureau of Prisons, categorized by  
9 the criteria relied on as the grounds for a re-  
10 duction in sentence;

11 “(I) the number of Bureau of Prisons noti-  
12 fications to attorneys, partners, and family  
13 members of their right to visit a terminally ill  
14 defendant as required under paragraph  
15 (2)(A)(ii) and, for each, whether a visit oc-  
16 curred and how much time elapsed between the  
17 notification and the visit;

18 “(J) the number of visits to terminally ill  
19 prisoners that were denied by the Bureau of  
20 Prisons due to security or other concerns, and  
21 the reasons given for each denial; and

22 “(K) the number of motions filed by de-  
23 fendants with the court after all administrative  
24 rights to appeal a denial of a sentence reduction  
25 had been exhausted, the outcome of each mo-

1           tion, and the time that had elapsed between the  
2           date the request was first received by the Bu-  
3           reau of Prisons and the date the defendant filed  
4           the motion with the court.”.

5   **SEC. 604. IDENTIFICATION FOR RETURNING CITIZENS.**

6           (a) IDENTIFICATION AND RELEASE ASSISTANCE FOR  
7   FEDERAL PRISONERS.—Section 231(b) of the Second  
8   Chance Act of 2007 (34 U.S.C. 60541(b)) is amended—

9           (1) in paragraph (1)—

10           (A) by striking “(including” and inserting  
11           “prior to release from a term of imprisonment  
12           in a Federal prison or if the individual was not  
13           sentenced to a term of imprisonment in a Fed-  
14           eral prison, prior to release from a sentence to  
15           a term in community confinement, including”;  
16           and

17           (B) by striking “or birth certificate) prior  
18           to release” and inserting “and a birth certifi-  
19           cate”; and

20           (2) by adding at the end the following:

21           “(4) DEFINITION.—In this subsection, the term  
22           ‘community confinement’ means residence in a com-  
23           munity treatment center, halfway house, restitution  
24           center, mental health facility, alcohol or drug reha-  
25           bilitation center, or other community facility.”.



1 (b) DUTIES OF THE BUREAU OF PRISONS.—Section  
2 4042(a) of title 18, United States Code, is amended—

3 (1) by redesignating paragraphs (D) and (E) as  
4 paragraphs (6) and (7), respectively;

5 (2) in paragraph (6) (as so redesignated)—

6 (A) in clause (i)—

7 (i) by striking “Social Security  
8 Cards,”; and

9 (ii) by striking “and” at the end;

10 (B) by redesignating clause (ii) as clause  
11 (iii);

12 (C) by inserting after clause (i) the fol-  
13 lowing:

14 “(ii) obtain identification, including a  
15 social security card, driver’s license or  
16 other official photo identification, and a  
17 birth certificate; and”;

18 (D) in clause (iii) (as so redesignated), by  
19 inserting after “prior to release” the following:  
20 “from a sentence to a term of imprisonment in  
21 a Federal prison or if the individual was not  
22 sentenced to a term of imprisonment in a Fed-  
23 eral prison, prior to release from a sentence to  
24 a term of community confinement”; and

1 (E) by redesignating clauses (i), (ii), and  
2 (iii) (as so amended) as subparagraphs (A),  
3 (B), and (C), respectively, and adjusting the  
4 margins accordingly; and  
5 (3) in paragraph (7) (as so redesignated), by  
6 redesignating clauses (i) through (vii) as subpara-  
7 graphs (A) through (G), respectively, and adjusting  
8 the margins accordingly.

9 **SEC. 605. EXPANDING INMATE EMPLOYMENT THROUGH**  
10 **FEDERAL PRISON INDUSTRIES.**

11 (a) NEW MARKET AUTHORIZATIONS.—Chapter 307  
12 of title 18, United States Code, is amended by inserting  
13 after section 4129 the following:

14 **“§ 4130. Additional markets**

15 “(a) IN GENERAL.—Except as provided in subsection  
16 (b), notwithstanding any other provision of law, Federal  
17 Prison Industries may sell products to—

18 “(1) public entities for use in penal or correc-  
19 tional institutions;

20 “(2) public entities for use in disaster relief or  
21 emergency response;

22 “(3) the government of the District of Colum-  
23 bia; and

24 “(4) any organization described in subsection  
25 (c)(3), (c)(4), or (d) of section 501 of the Internal

1 Revenue Code of 1986 that is exempt from taxation  
2 under section 501(a) of such Code.

3 “(b) OFFICE FURNITURE.—Federal Prison Indus-  
4 tries may not sell office furniture to the organizations de-  
5 scribed in subsection (a)(4).

6 “(c) DEFINITIONS.—In this section:

7 “(1) The term ‘office furniture’ means any  
8 product or service offering intended to meet the fur-  
9 nishing needs of the workplace, including office,  
10 healthcare, educational, and hospitality environ-  
11 ments.

12 “(2) The term ‘public entity’ means a State, a  
13 subdivision of a State, an Indian tribe, and an agen-  
14 cy or governmental corporation or business of any of  
15 the foregoing.

16 “(3) The term ‘State’ means a State, the Dis-  
17 trict of Columbia, the Commonwealth of Puerto  
18 Rico, Guam, American Samoa, the Northern Mar-  
19 iana Islands, and the United States Virgin Islands.”.

20 (b) TECHNICAL AMENDMENT.—The table of sections  
21 for chapter 307 of title 18, United States Code, is amend-  
22 ed by inserting after the item relating to section 4129 the  
23 following:

“4130. Additional markets.”.

24 (c) DEFERRED COMPENSATION.—Section 4126(c)(4)  
25 of title 18, United States Code, is amended by inserting

1 after “operations,” the following: “not less than 15 per-  
2 cent of such compensation for any inmate shall be reserved  
3 in the fund or a separate account and made available to  
4 assist the inmate with costs associated with release from  
5 prison,”.

6 (d) GAO REPORT.—Beginning not later than 90 days  
7 after the date of enactment of this Act, the Comptroller  
8 General of the United States shall conduct an audit of  
9 Federal Prison Industries that includes the following:

10 (1) An evaluation of Federal Prison Industries’s  
11 effectiveness in reducing recidivism compared to  
12 other rehabilitative programs in the prison system.

13 (2) An evaluation of the scope and size of the  
14 additional markets made available to Federal Prison  
15 Industries under this section and the total market  
16 value that would be opened up to Federal Prison In-  
17 dustries for competition with private sector providers  
18 of products and services.

19 (3) An evaluation of whether the following fac-  
20 tors create an unfair competitive environment be-  
21 tween Federal Prison Industries and private sector  
22 providers of products and services which would be  
23 exacerbated by further expansion:

24 (A) Federal Prison Industries’s status as a  
25 mandatory source of supply for Federal agen-

1           cies and the requirement that the buying agen-  
2           cy must obtain a waiver in order to make a  
3           competitive purchase from the private sector if  
4           the item to be acquired is listed on the schedule  
5           of products and services published by Federal  
6           Prison Industries.

7           (B) Federal Prison Industries's ability to  
8           determine that the price to be paid by Federal  
9           Agencies is fair and reasonable, rather than  
10          such a determination being made by the buying  
11          agency.

12          (C) An examination of the extent to which  
13          Federal Prison Industries is bound by the re-  
14          quirements of the generally applicable Federal  
15          Acquisition Regulation pertaining to the con-  
16          formity of the delivered product with the speci-  
17          fied design and performance specifications and  
18          adherence to the delivery schedule required by  
19          the Federal agency, based on the transactions  
20          being categorized as interagency transfers.

21          (D) An examination of the extent to which  
22          Federal Prison Industries avoids transactions  
23          that are little more than pass through trans-  
24          actions where the work provided by inmates

1 does not create meaningful value or meaningful  
2 work opportunities for inmates.

3 (E) The extent to which Federal Prison  
4 Industries must comply with the same worker  
5 protection, workplace safety and similar regula-  
6 tions applicable to, and enforceable against,  
7 Federal contractors.

8 (F) The wages Federal Prison Industries  
9 pays to inmates, taking into account inmate  
10 productivity and other factors such as security  
11 concerns associated with having a facility in a  
12 prison.

13 (G) The effect of any additional cost ad-  
14 vantages Federal Prison Industries has over  
15 private sector providers of goods and services,  
16 including—

17 (i) the costs absorbed by the Bureau  
18 of Prisons such as inmate medical care and  
19 infrastructure expenses including real es-  
20 tate and utilities; and

21 (ii) its exemption from Federal and  
22 State income taxes and property taxes.

23 (4) An evaluation of the extent to which the  
24 customers of Federal Prison Industries are satisfied  
25 with quality, price, and timely delivery of the prod-

1       ucts and services provided it provides, including  
2       summaries of other independent assessments such as  
3       reports of agency inspectors general, if applicable.

4   **SEC. 606. DE-ESCALATION TRAINING.**

5       Beginning not later than 1 year after the date of en-  
6   actment of this Act, the Director of the Bureau of Prisons  
7   shall incorporate into training programs provided to offi-  
8   cers and employees of the Bureau of Prisons (including  
9   officers and employees of an organization with which the  
10   Bureau of Prisons has a contract to provide services relat-  
11   ing to imprisonment) specialized and comprehensive train-  
12   ing in procedures to—

13           (1) de-escalate encounters between a law en-  
14   forcement officer or an officer or employee of the  
15   Bureau of Prisons, and a civilian or a prisoner (as  
16   such term is defined in section 3635 of title 18,  
17   United States Code, as added by section 101(a) of  
18   this Act); and

19           (2) identify and appropriately respond to inci-  
20   dents that involve the unique needs of individuals  
21   who have a mental illness or cognitive deficit.

22   **SEC. 607. EVIDENCE-BASED TREATMENT FOR OPIOID AND**  
23           **HEROIN ABUSE.**

24       (a) REPORT ON EVIDENCE-BASED TREATMENT FOR  
25   OPIOID AND HEROIN ABUSE.—Not later than 90 days

1 after the date of enactment of this Act, the Director of  
2 the Bureau of Prisons shall submit to the Committees on  
3 the Judiciary and the Committees on Appropriations of  
4 the Senate and of the House of Representatives a report  
5 assessing the availability of and the capacity of the Bureau  
6 of Prisons to treat heroin and opioid abuse through evi-  
7 dence-based programs, including medication-assisted  
8 treatment where appropriate. In preparing the report, the  
9 Director shall consider medication-assisted treatment as  
10 a strategy to assist in treatment where appropriate and  
11 not as a replacement for holistic and other drug-free ap-  
12 proaches. The report shall include a description of plans  
13 to expand access to evidence-based treatment for heroin  
14 and opioid abuse for prisoners, including access to medica-  
15 tion-assisted treatment in appropriate cases. Following  
16 submission, the Director shall take steps to implement  
17 these plans.

18 (b) REPORT ON THE AVAILABILITY OF MEDICATION-  
19 ASSISTED TREATMENT FOR OPIOID AND HEROIN ABUSE,  
20 AND IMPLEMENTATION THEREOF.—Not later than 120  
21 days after the date of enactment of this Act, the Director  
22 of the Administrative Office of the United States Courts  
23 shall submit to the Committees on the Judiciary and the  
24 Committees on Appropriations of the Senate and of the  
25 House of Representatives a report assessing the avail-



1 ability of and capacity for the provision of medication-as-  
2 sisted treatment for opioid and heroin abuse by treatment  
3 service providers serving prisoners who are serving a term  
4 of supervised release, and including a description of plans  
5 to expand access to medication-assisted treatment for her-  
6 oin and opioid abuse whenever appropriate among pris-  
7 oners under supervised release. Following submission, the  
8 Director will take steps to implement these plans.

9 **SEC. 608. PILOT PROGRAMS.**

10 (a) IN GENERAL.—The Bureau of Prisons shall es-  
11 tablish each of the following pilot programs for 5 years,  
12 in at least 20 facilities:

13 (1) MENTORSHIP FOR YOUTH.—A program to  
14 pair youth with volunteers from faith-based or com-  
15 munity organizations, which may include formerly  
16 incarcerated offenders, that have relevant experience  
17 or expertise in mentoring, and a willingness to serve  
18 as a mentor in such a capacity.

19 (2) SERVICE TO ABANDONED, RESCUED, OR  
20 OTHERWISE VULNERABLE ANIMALS.—A program to  
21 equip prisoners with the skills to provide training  
22 and therapy to animals seized by Federal law en-  
23 forcement under asset forfeiture authority and to or-  
24 ganizations that provide shelter and similar services

1 to abandoned, rescued, or otherwise vulnerable ani-  
2 mals.

3 (b) REPORTING REQUIREMENT.—Not later than 1  
4 year after the conclusion of the pilot programs, the Attor-  
5 ney General shall report to Congress on the results of the  
6 pilot programs under this section. Such report shall in-  
7 clude cost savings, numbers of participants, and informa-  
8 tion about recidivism rates among participants.

9 (c) DEFINITION.—In this title, the term “youth”  
10 means a prisoner (as such term is defined in section 3635  
11 of title 18, United States Code, as added by section 101(a)  
12 of this Act) who was 21 years of age or younger at the  
13 time of the commission or alleged commission of the crimi-  
14 nal offense for which the individual is being prosecuted  
15 or serving a term of imprisonment, as the case may be.

16 **SEC. 609. ENSURING SUPERVISION OF RELEASED SEXU-**  
17 **ALLY DANGEROUS PERSONS.**

18 (a) PROBATION OFFICERS.—Section 3603 of title 18,  
19 United States Code, is amended in paragraph (8)(A) by  
20 striking “or 4246” and inserting “, 4246, or 4248”.

21 (b) PRETRIAL SERVICES OFFICERS.—Section 3154  
22 of title 18, United States Code, is amended in paragraph  
23 (12)(A) by striking “or 4246” and inserting “, 4246, or  
24 4248”.

1   **SEC. 610. DATA COLLECTION.**

2       (a) NATIONAL PRISONER STATISTICS PROGRAM.—

3   Beginning not later than 1 year after the date of enact-  
4   ment of this Act, and annually thereafter, pursuant to the  
5   authority under section 302 of the Omnibus Crime Control  
6   and Safe Streets Act of 1968 (42 U.S.C. 3732), the Direc-  
7   tor of the Bureau of Justice Statistics, with information  
8   that shall be provided by the Director of the Bureau of  
9   Prisons, shall include in the National Prisoner Statistics  
10  Program the following:

11           (1) The number of prisoners (as such term is  
12       defined in section 3635 of title 18, United States  
13       Code, as added by section 101(a) of this Act) who  
14       are veterans of the Armed Forces of the United  
15       States.

16           (2) The number of prisoners who have been  
17       placed in solitary confinement at any time during  
18       the previous year.

19           (3) The number of female prisoners known by  
20       the Bureau of Prisons to be pregnant, as well as the  
21       outcomes of such pregnancies, including information  
22       on pregnancies that result in live birth, stillbirth,  
23       miscarriage, abortion, ectopic pregnancy, maternal  
24       death, neonatal death, and preterm birth.

25           (4) The number of prisoners who volunteered to  
26       participate in a substance abuse treatment program,

1       and the number of prisoners who have participated  
2       in such a program.

3           (5) The number of prisoners provided medica-  
4       tion-assisted treatment with medication approved by  
5       the Food and Drug Administration while in custody  
6       in order to treat substance use disorder.

7           (6) The number of prisoners who were receiving  
8       medication-assisted treatment with medication ap-  
9       proved by the Food and Drug Administration prior  
10      to the commencement of their term of imprisonment.

11          (7) The number of prisoners who are the parent  
12      or guardian of a minor child.

13          (8) The number of prisoners who are single,  
14      married, or otherwise in a committed relationship.

15          (9) The number of prisoners who have not  
16      achieved a GED, high school diploma, or equivalent  
17      prior to entering prison.

18          (10) The number of prisoners who, during the  
19      previous year, received their GED or other equiva-  
20      lent certificate while incarcerated.

21          (11) The numbers of prisoners for whom  
22      English is a second language.

23          (12) The number of incidents, during the pre-  
24      vious year, in which restraints were used on a female  
25      prisoner during pregnancy, labor, or postpartum re-

1       covery, as well as information relating to the type of  
2       restraints used, and the circumstances under which  
3       each incident occurred.

4           (13) The vacancy rate for medical and  
5       healthcare staff positions, and average length of  
6       such a vacancy.

7           (14) The number of facilities that operated, at  
8       any time during the previous year, without at least  
9       1 clinical nurse, certified paramedic, or licensed phy-  
10      sician on site.

11          (15) The number of facilities that during the  
12      previous year were accredited by the American Cor-  
13      rectional Association.

14          (16) The number and type of recidivism reduc-  
15      tion partnerships described in section 3621(h)(5) of  
16      title 18, United States Code, as added by section  
17      102(a) of this Act, entered into by each facility.

18          (17) The number of facilities with remote learn-  
19      ing capabilities.

20          (18) The number of facilities that offer pris-  
21      oners video conferencing.

22          (19) Any changes in costs related to legal phone  
23      calls and visits following implementation of section  
24      3632(d)(1) of title 18, United States Code, as added  
25      by section 101(a) of this Act.

1           (20) The number of aliens in prison during the  
2 previous year.

3           (21) For each Bureau of Prisons facility, the  
4 total number of violations that resulted in reductions  
5 in rewards, incentives, or time credits, the number  
6 of such violations for each category of violation, and  
7 the demographic breakdown of the prisoners who  
8 have received such reductions.

9           (22) The number of assaults on Bureau of Pris-  
10 ons staff by prisoners and the number of criminal  
11 prosecutions of prisoners for assaulting Bureau of  
12 Prisons staff.

13           (23) The capacity of each recidivism reduction  
14 program and productive activity to accommodate eli-  
15 gible inmates at each Bureau of Prisons facility.

16           (24) The number of volunteers who were cer-  
17 tified to volunteer in a Bureau of Prisons facility,  
18 broken down by level (level I and level II), and by  
19 each Bureau of Prisons facility.

20           (25) The number of prisoners enrolled in recidi-  
21 vism reduction programs and productive activities at  
22 each Bureau of Prisons facility, broken down by risk  
23 level and by program, and the number of those en-  
24 rolled prisoners who successfully completed each pro-  
25 gram.

1           (26) The breakdown of prisoners classified at  
2           each risk level by demographic characteristics, in-  
3           cluding age, sex, race, and the length of the sentence  
4           imposed.

5           (b) REPORT TO JUDICIARY COMMITTEES.—Begin-  
6           ning not later than 1 year after the date of enactment  
7           of this Act, and annually thereafter for a period of 7 years,  
8           the Director of the Bureau of Justice Statistics shall sub-  
9           mit a report containing the information described in para-  
10          graphs (1) through (26) of subsection (a) to the Com-  
11          mittee on the Judiciary of the Senate and the Committee  
12          on the Judiciary of the House of Representatives.

13   **SEC. 611. HEALTHCARE PRODUCTS.**

14          (a) AVAILABILITY.—The Director of the Bureau of  
15          Prisons shall make the healthcare products described in  
16          subsection (c) available to prisoners for free, in a quantity  
17          that is appropriate to the healthcare needs of each pris-  
18          oner.

19          (b) QUALITY PRODUCTS.—The Director shall ensure  
20          that the healthcare products provided under this section  
21          conform with applicable industry standards.

22          (c) PRODUCTS.—The healthcare products described  
23          in this subsection are tampons and sanitary napkins.

1   **SEC. 612. ADULT AND JUVENILE COLLABORATION PRO-**  
2                   **GRAMS.**

3           Section 2991 of title I of the Omnibus Crime Control  
4 and Safe Streets Act of 1968 (34 U.S.C. 10651) is amend-  
5 ed—

6           (1) in subsection (b)(4)—

7                   (A) by striking subparagraph (D); and

8                   (B) by redesignating subparagraph (E) as  
9           subparagraph (D);

10          (2) in subsection (e), by striking “may use up  
11 to 3 percent” and inserting “shall use not less than  
12 6 percent”; and

13          (3) by amending subsection (g) to read as fol-  
14 lows:

15          “(g) COLLABORATION SET-ASIDE.—The Attorney  
16 General shall use not less than 8 percent of funds appro-  
17 priated to provide technical assistance to State and local  
18 governments receiving grants under this part to foster col-  
19 laboration between such governments in furtherance of the  
20 purposes set forth in section 3 of the Mentally Ill Offender  
21 Treatment and Crime Reduction Act of 2004 (34 U.S.C.  
22 10651 note).”.

23   **SEC. 613. JUVENILE SOLITARY CONFINEMENT.**

24          (a) IN GENERAL.—Chapter 403 of title 18, United  
25 States Code, is amended by adding at the end the fol-  
26 lowing:



1 **“§ 5043. Juvenile solitary confinement**

2 “(a) DEFINITIONS.—In this section—

3 “(1) the term ‘covered juvenile’ means—

4 “(A) a juvenile who—

5 “(i) is being proceeded against under  
6 this chapter for an alleged act of juvenile  
7 delinquency; or

8 “(ii) has been adjudicated delinquent  
9 under this chapter; or

10 “(B) a juvenile who is being proceeded  
11 against as an adult in a district court of the  
12 United States for an alleged criminal offense;

13 “(2) the term ‘juvenile facility’ means any facil-  
14 ity where covered juveniles are—

15 “(A) committed pursuant to an adjudica-  
16 tion of delinquency under this chapter; or

17 “(B) detained prior to disposition or con-  
18 viction; and

19 “(3) the term ‘room confinement’ means the in-  
20 voluntary placement of a covered juvenile alone in a  
21 cell, room, or other area for any reason.

22 “(b) PROHIBITION ON ROOM CONFINEMENT IN JU-  
23 VENILE FACILITIES.—

24 “(1) IN GENERAL.—The use of room confine-  
25 ment at a juvenile facility for discipline, punishment,  
26 retaliation, or any reason other than as a temporary

1 response to a covered juvenile's behavior that poses  
2 a serious and immediate risk of physical harm to  
3 any individual, including the covered juvenile, is pro-  
4 hibited.

5 “(2) JUVENILES POSING RISK OF HARM.—

6 “(A) REQUIREMENT TO USE LEAST RE-  
7 STRICTIVE TECHNIQUES.—

8 “(i) IN GENERAL.—Before a staff  
9 member of a juvenile facility places a cov-  
10 ered juvenile in room confinement, the  
11 staff member shall attempt to use less re-  
12 strictive techniques, including—

13 “(I) talking with the covered ju-  
14 venile in an attempt to de-escalate the  
15 situation; and

16 “(II) permitting a qualified men-  
17 tal health professional to talk to the  
18 covered juvenile.

19 “(ii) EXPLANATION.—If, after at-  
20 tempting to use less restrictive techniques  
21 as required under clause (i), a staff mem-  
22 ber of a juvenile facility decides to place a  
23 covered juvenile in room confinement, the  
24 staff member shall first—

1 “(I) explain to the covered juve-  
2 nile the reasons for the room confine-  
3 ment; and

4 “(II) inform the covered juvenile  
5 that release from room confinement  
6 will occur—

7 “(aa) immediately when the  
8 covered juvenile regains self-con-  
9 trol, as described in subpara-  
10 graph (B)(i); or

11 “(bb) not later than after  
12 the expiration of the time period  
13 described in subclause (I) or (II)  
14 of subparagraph (B)(ii), as appli-  
15 cable.

16 “(B) MAXIMUM PERIOD OF CONFINE-  
17 MENT.—If a covered juvenile is placed in room  
18 confinement because the covered juvenile poses  
19 a serious and immediate risk of physical harm  
20 to himself or herself, or to others, the covered  
21 juvenile shall be released—

22 “(i) immediately when the covered ju-  
23 venile has sufficiently gained control so as  
24 to no longer engage in behavior that  
25 threatens serious and immediate risk of

1 physical harm to himself or herself, or to  
2 others; or

3 “(ii) if a covered juvenile does not suf-  
4 ficiently gain control as described in clause  
5 (i), not later than—

6 “(I) 3 hours after being placed in  
7 room confinement, in the case of a  
8 covered juvenile who poses a serious  
9 and immediate risk of physical harm  
10 to others; or

11 “(II) 30 minutes after being  
12 placed in room confinement, in the  
13 case of a covered juvenile who poses a  
14 serious and immediate risk of physical  
15 harm only to himself or herself.

16 “(C) RISK OF HARM AFTER MAXIMUM PE-  
17 RIOD OF CONFINEMENT.—If, after the applica-  
18 ble maximum period of confinement under sub-  
19 clause (I) or (II) of subparagraph (B)(ii) has  
20 expired, a covered juvenile continues to pose a  
21 serious and immediate risk of physical harm de-  
22 scribed in that subclause—

23 “(i) the covered juvenile shall be  
24 transferred to another juvenile facility or  
25 internal location where services can be pro-

1                    vided to the covered juvenile without rely-  
2                    ing on room confinement; or

“(ii) if a qualified mental health professional believes the level of crisis service needed is not currently available, a staff member of the juvenile facility shall initiate a referral to a location that can meet the needs of the covered juvenile.

9 “(D) SPIRIT AND PURPOSE.—The use of  
10 consecutive periods of room confinement to  
11 evade the spirit and purpose of this subsection  
12 shall be prohibited.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—

The table of sections for chapter 403 of title 18, United States Code, is amended by adding at the end the following:

“5043. Juvenile solitary confinement.”.